

Eastern Region IRMT/Wildlife Comments on Proponent Responses Posted April 28 2019
Environment Act Proposal
Wanipigow Sand Extraction Project -

(9)

• **Proponent Response – Posted April 28, 2019:**

A review of existing Manitoba Land Initiative data, on-site terrestrial reconnaissance and information shared by local community members during a Project Traditional Ecological Knowledge (TEK) study have suggested that no land cover or habitats considered rare or unique for the Regional Project Area and larger Lac Seul Upland Ecoregion exist in the Project Site Area.

Additionally, the total area to be disturbed over the life of the Project, notwithstanding the annual quarry cell progressive revegetation, will be 353 ha which represents 15% of the 2,289 ha of CPS quarry lease areas, and 0.00002% of the Lac Seul Ecoregion area within which the Project is located which does not represent a significant potential impact to vegetated land cover in the region.

Wildlife Comments

The uniqueness of the project site area arises from the presence of underlying silica sand deposits up to 30 m deep. We are not aware of any other sites, within or beyond the regional project area, on the east side of Lake Winnipeg that have late seral forest established on this depth of sand deposits.

An inventory of pre-disturbance shrub /groundcover vegetation is needed to establish baseline conditions, assist in determining appropriate re-vegetation plans, and assess the effectiveness of reclamation/ re-vegetation efforts. Ideally, any inventories would be conducted between June and August.

Clarification/Recommendations:

MBSD recommends that pre- and post-disturbance inventories of shrub/ground cover vegetation be required as a condition of the EAL.

(10)

• **Proponent Response – Posted April 28, 2019:**

A draft Closure Plan was submitted to Mines Branch and MBSD in April, 2019 for review and comment.

The proposed Project will be constructed, operated and closed in accordance with an Environment Act Licence and associated conditions.

Wildlife Comments (3)

MBSD has been advised that the proponent's Closure Plan is confidential and therefore not available for review by any department staff other than EAB. The proponent's responses state that... *the proposed Closure Plan will outline detailed mitigation plans and monitoring activities that will be implemented to rehabilitate the Project Site during the closure phase of the Project. The Closure Plan will describe the plan for annual reclamation, which will include the submission of annual reclamation reporting to MBSD.*

Annual reclamation, mitigation and monitoring activities will be key to ensuring that the site is rehabilitated in a progressive, appropriate manner; accordingly; the proponent's ongoing rehabilitation plans should be available for technical review, input and adjustment.

Clarification/Recommendations:

In view of the long life of the Project (50+ years), MBSD recommends that a **Progressive Rehabilitation Plan (PRP)** be required as a condition of the EAL. The **PRP** is envisioned as a part of a process to address ongoing monitoring, mitigation and reclamation from the onset of the mining development.

The **PRP** should:

- include objectives, methods and assessment criteria for reclamation and monitoring of the Project Site Area;
- be available for technical review by department staff
- be attached to the annual reports referenced in the proponent's March 14, 2019 response.

(11)

• **Proponent Response – Posted April 28, 2019:**

Please see the response provided for TAC Question #11 in the responses to TAC review comments to the EAP posted in the public registry on March 14, 2019: i.e., In addition to having gates at both access roads, CPS will employ site security to deter unauthorized access to the facility when the gates are not locked.

Wildlife Comments

Additional information on the gate system and security efforts is needed; e.g. will this include a manned gate station or roving security vehicles, what gate types and locking mechanisms will be installed, and when (time of day) and where gates and security staff will be situated in relation to the project area and access roads.

Clarification/Recommendations:

MBSD recommends that the proponent be required to provide additional details on the gate system and security efforts.

(13)

• **Proponent Response – Posted April 28, 2019:**

Result from on-going geotechnical investigations in 2019, during this exploratory phase, will provide information later in 2019 that will be required to inform the sand extraction activity locations during the Project operation phase. The proposed Project will be constructed, operated and closed in accordance with an Environment Act Licence and associated conditions.

Licensed Timber harvesting activities that are currently in progress within the Project Site Area are not being conducted by CPS. Those activities are being conducted by Hollow Water First Nation in accordance with a Forestry Sale Agreement which includes a limited timber harvest volume/area.

Wildlife Comments

MBSD requires other developers with ongoing, long-term operations (e.g. forestry, peat harvesting) to submit **annual operating plans** which are subject to technical review by department staff. Annual Operating Plans often cover a 24-month period, with details on operations for the upcoming year, as well as projections for the subsequent year. This planning process is of mutual benefit to developers and regulators as it establishes relationships, maintains communications and ensures that issues, opportunities and adaptive management actions are addressed in a timely manner.

Clarification/Recommendations:

MBSD recommends that the proponent be required to submit an **Annual Operating Plan (AOP)** as a condition of the EAL. Each **AOP** should address the proponent's projected plans for construction, clearing, quarrying and rehabilitation for the upcoming 2-year period.

The proponent should be required to submit the initial **AOP** 60 days prior to commencing the Project operational phase.

(14)

• **Proponent Response – Posted April 28, 2019:**

The proposed Project will be constructed, operated and closed in accordance with an Environment Act Licence and associated conditions.

Wildlife Comments

We look forward to receiving and reviewing the EMP and request that it include a wildlife monitoring component designed in a manner that potential effects of the project can be assessed, and adaptive mitigative measures can be applied as required.

Clarification/Recommendations:

MBSD recommends that the proponent be required to include a wildlife monitoring component in the **Environmental Monitoring Plan (EMP)**. MBSD further recommends that wildlife staff be provided an opportunity to provide input in the development and review of the wildlife monitoring component of the **EMP**.

(15)

• **Proponent Response – Posted April 28, 2019:**

To support in Project Site land cover information provided in Table 4-1 of the EAP, photographic documentation of representative cover types, including shrub/ground cover is provided in Appendix C of the EAP. The intent of the quarry rehabilitation and revegetation efforts is to restore the landscape to native conditions to the extent feasible. Quarry rehabilitation will be initiated using approved native seed mixture and sapling plantings on redistributed soil stockpiled material and it is anticipated that previously existing shrub/groundcover will naturally establish over time. Quarry rehabilitation will be done in accordance with requirements within a Project Environment Act Licence and approved Revegetation Monitoring Plan and Project Closure Plan. A draft Closure Plan was submitted to Mines Branch and MBSB in April, 2019 for review and comment.

Wildlife Comments

Appendix C provides photographic documentation of dominant cover types, but no detail on shrub and ground vegetation. An inventory of pre-disturbance shrub /groundcover vegetation is needed to establish baseline conditions, assist in determining appropriate re-vegetation plans, and assess the effectiveness of reclamation/ re-vegetation efforts. Ideally, these inventories would be conducted June – August.

Annual reclamation, mitigation and monitoring activities will be key to ensuring that the site is rehabilitated in a progressive, appropriate manner; accordingly; the proponent's ongoing rehabilitation plans should be available for technical review, input and adjustment.

Clarification/Recommendations:

See recommendation (# 9) – MBSB recommends that pre- and post-disturbance inventories of shrub/ground cover vegetation be required as a condition of the EAL.

See recommendation (#10) - In view of the long life of the Project (50+ years), MBSB recommends that a **Progressive Rehabilitation Plan (PRP)** be required as a condition of the EAL. The **PRP** is envisioned as a part of a process to address ongoing monitoring, mitigation and reclamation from the onset of the mining development.

The PRP should:

- include objectives, methods and assessment criteria for reclamation and monitoring of the Project Site Area;
- be available for technical review by department staff
- be attached to the annual reports referenced in the proponent's March 14, 2019 response.

(18) (moose)

• **Proponent Response – Posted April 28, 2019:**

To the knowledge of AECOM, the most recent, relevant and available information regarding moose abundance information was considered in the EAP. The most recent and relevant information regarding moose frequency in the Local and Regional Project Areas was obtained during a TEK session conducted in Hollow Water First Nation in October 2018 and is provided in Section 4.3.2 of the EAP. TEK information regarding the comparative frequency of moose hunting in the Local Project Area vs. the larger regional area is provided in Appendix G2 in the EAP.

To clarify, "Project area" as indicated in Section 3.1.2 'Hunting' in Appendix G of the EAP is in references to the Project Site Area and extends to the Local Project Area.

AECOM agrees that moose are likely present in both the Project Site Area and the Regional Project Area. As indicated in Section 4.3.2 'Wildlife' in the EAP, TEK information has indicated that "...moose are not common in the Regional Project Area." Noting that the Regional Project Area is the area defined in Section 3.2 'Spatial Boundaries' as being up to 10 km beyond the Project Site. Refer to the response to #17 above regarding information about moose hunting.

Wildlife Comments

MBSD has additional layers of information that could have been considered in developing the EAP. Our staff would be pleased to share relevant information annually (through planned meetings) or more frequently (through ongoing communications).

Clarification/Recommendations:

MBSD recommends that the proponent be required to integrate wildlife information provided by MBSD into their wildlife monitoring programs and assessments

19 (caribou)

• **Proponent Response – Posted April 28, 2019:**

To the knowledge of AECOM, the most recent, relevant and available information regarding caribou abundance information was considered in the EAP. The most recent and relevant information regarding caribou frequency in the Local and Regional Project Areas was obtained during a TEK session conducted in Hollow Water First Nation in October 2018 and is provided in Section 4.3.2 of the EAP, i.e. "...caribou are not seen in the Regional Project Area".

AECOM has relied on TEK information regarding the presence of caribou within the Regional Project Area (see response to #20 above). AECOM considers information from the TEK Elders group, and their collective knowledge of the local and regional land and resources use, to be the most relevant to the effects assessment presented within the EAP.

Wildlife Comments

MBSD has additional layers of information that could have been considered in developing the EAP. Our staff would be pleased to share relevant information annually (through planned meetings) or more frequently (through ongoing communications).

Clarification/Recommendations:

MBSD recommends that the proponent be required to integrate wildlife information provided by MBSD into their wildlife monitoring programs and assessments

(20) (caribou)

• **Proponent Response – Posted April 28, 2019:**

To the knowledge of AECOM, the most recent, relevant and available information regarding wildlife species, and their potential occurrence in the spatial areas considered for the EAP, was considered in the EAP. Regardless of the specific number of the many wildlife species that may be present in the Regional Project Area, the measures proposed to avoid or minimize potential Project effects to wildlife are considered sufficient to avoid significant adverse impacts to regional wildlife populations.

Wildlife Comments

MBSD has additional layers of information that could have been considered in developing the EAP. Our staff would be pleased to share relevant information annually (through planned meetings) or more frequently (through ongoing communications).

Clarification/Recommendations:

MBSD recommends that the proponent be required to integrate wildlife information provided by MBSD into their wildlife monitoring programs and assessments

(22) (caribou)(linked to #19)

• **Proponent Response – Posted April 28, 2019:**

AECOM has relied on TEK information regarding the presence of caribou within the Regional Project Area (see response to #20 above). AECOM considers information from the TEK Elders group, and their collective knowledge of the local and regional land and resources use, to be the most relevant to the effects assessment presented within the EAP.

Wildlife Comments

MBSD has additional layers of information that could have been considered in developing the EAP. Our staff would be pleased to share relevant information annually (through planned meetings) or more frequently (through ongoing communications).

Clarification/Recommendations:

MBSD recommends that the proponent be required to integrate wildlife information provided by MBSD into their wildlife monitoring programs and assessments

(26) (cumulative effects)

• **Proponent Response – Posted April 28, 2019:**

To the knowledge of AECOM, the most recent, relevant and available information was used to develop the cumulative effects assessment presented as Attachment C Proponent Response to TAC Comments' posted March 14, 2019 in the Public Registry. As indicated, the cumulative effects assessment, for the Project did consider the conclusions of the cumulative effects assessments for two other major projects in the larger regional area, those being the all-season road from PR 304 to Berens River and the all-season road from Berens River to Poplar River. Please note that a cumulative impact assessment is not currently a content requirement that is to be included in an EAP as part of the Environment Act Licence application process in Manitoba as per the 'Information Bulletin – Environment Act Proposal Report Guidelines'.

CPS will engage in discussions with MBSD regarding the need for cooperative monitoring of moose populations when, and as requested, by MBSD. CPS will comply with all provisions / conditions included within an Environment Act Licence for the Project.

Please refer to the EAP, Appendix K titled: 'Project Communication Meetings Conducted by CPS'

Wildlife Comments

MBSD recognizes that the proponent was not required to prepare a cumulative effects assessment. We note, though, that cumulative effects assessments associated with proposed developments are conducted by the Project proponent. As the proponent selects the applicable data sources, and determines the rankings, results and conclusions, such assessments may not provide a conservative interpretation of cumulative effects.

Clarification/Recommendations:

MBSD recommends that:

- the proponent be required to include a wildlife monitoring component in the **Environmental Monitoring Plan (EMP)**.
- wildlife staff be provided an opportunity to provide input in the development and review of the wildlife monitoring component of the **EMP**.
- the proponent be required to integrate wildlife information provided by MBSD into their wildlife monitoring programs and assessments

(27) (Reversibility of Effects)

• **Proponent Response – Posted April 28, 2019:**

Please refer to the response provided for TAC Question #10 in the responses to TAC review comments to the EAP posted in the public registry on March 14, 2019: i.e., A Closure Plan is currently being developed in accordance with applicable regulations.

As indicated in Section 8.4 of the EAP 'Closure Plan Review', the proposed Closure Plan will outline detailed mitigation plans and monitoring activities that will be implemented to rehabilitate the Project Site during the closure phase of the Project. The Closure Plan will describe the plan for annual reclamation, which will include the submission of annual reclamation reporting to MBSD. The reports will include results of the revegetation monitoring program (with photographs and maps).

As indicated in Section 8.1 of the EAP 'Success of Revegetation Efforts', a revegetation monitoring program will be implemented to determine the effectiveness of revegetation techniques used on previously disturbed land and to determine if follow-up reseeding or replanting is required

Annual meetings with MBSD and the CPS Community Oversight Committee to review the rehabilitation progress will be proposed within the Closure Plan.

A draft Closure Plan was submitted to Mines Branch and MBSD in April, 2019 for review and comment

As indicated in Section 6.2.1 'Geology/Topography' of the EAP, quarry backfilling, leveling and grading will occur upon quarrying completion in a given quarry cell in efforts to return the landscape to elevations typical to the surrounding area. Quarry rehabilitation will include revegetation using an approved native seed mixture and native plantings (Section 6.4.1 of the EAP) and will include annual monitoring of the revegetation progress (Section 8.1 'Success of Revegetation Efforts' in the EAP). Additionally, at the end of the Project life, the Project Site Area will be rehabilitated in accordance with a Manitoba Government approved Closure Plan (Section 7 of the EAP). A draft Closure Plan was submitted to Mines Branch and MBSD in April, 2019 for review and comment.

Wildlife Comments

MBSD has been advised that the proponent's Closure Plan is confidential and therefore not available for review by any department staff other than EAB. The proponent's responses state that... *the proposed Closure Plan will outline detailed mitigation plans and monitoring activities that will be implemented to rehabilitate the Project Site during the closure phase of the Project. The Closure Plan will describe the plan for annual reclamation, which will include the submission of annual reclamation reporting to MBSD.*

Annual reclamation, mitigation and monitoring activities will be key to ensuring that the site is rehabilitated in a progressive, appropriate manner; accordingly; the proponent's ongoing rehabilitation plans should be available for technical review, input and adjustment. An inventory of pre-disturbance shrub /groundcover vegetation is needed to establish baseline conditions, assist in determining appropriate re-vegetation plans, and assess the effectiveness of reclamation/ re-vegetation efforts. Ideally, these inventories would be conducted June – August.

Clarification/Recommendations:

In view of the long life of the Project (50+ years), MBSD recommends that a **Progressive Rehabilitation Plan (PRP)** be required as a condition of the EAL. The **PRP** is envisioned as a part of a process to address ongoing monitoring, mitigation and reclamation from the onset of the mining development.

The **PRP** should:

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MBSD recommends that pre- and post-disturbance inventories of shrub/ground cover vegetation be required as a condition of the EAL.