

## 4.0 REGULATORY FRAMEWORK

The Pointe du Bois Spillway Replacement Project will require both federal and provincial approvals. The relevant regulatory framework for the Project is outlined in this section.

On June 18, 2010, Manitoba Hydro submitted an Environment Act Proposal Form (EAPF) and Draft Environmental Assessment **Scoping document** for the Pointe du Bois Spillway Replacement Project to the Environmental Assessment & Licensing Branch of Manitoba Conservation. Manitoba Hydro requested a review of the Draft Environmental Assessment Scoping Document and provision of further guidance for the **Environmental Impact Statement** (EIS) (Attachment 4.1).

Manitoba Conservation solicited comments from the **Technical Advisory Committee** (TAC) and the public pursuant to *The Environment Act* and the Canada-Manitoba Agreement on Environmental Assessment Cooperation. This included a review by federal departments pursuant to the *Canadian Environmental Assessment Act*. On August 3, 2010, the Director of the Environmental Assessment & Licensing Branch responded to Manitoba Hydro that a review of the EAPF and Draft Environmental Assessment Scoping Document had been completed (Attachment 4.2).

On August 30, 2010, Manitoba Hydro provided a response to the provincial and federal comments and finalized the Environmental Assessment Scoping Document (Attachment 4.3). On September 1, 2010, the Director of Environmental Assessment & Licensing Branch wrote to Manitoba Hydro indicating that the final Environmental Assessment Scoping Document had been filed on the public registry (Attachment 4.4).

### 4.1 Canada-Manitoba Cooperative Environmental Assessment

The Project will be reviewed under the provisions of the Canada-Manitoba Agreement on Environmental Assessment Cooperation signed by Canada and Manitoba in March 2007. Canada and Manitoba have agreed that, when an environmental assessment for a project is required by Canada pursuant to the *Canadian Environmental Assessment Act* and an environmental assessment of a similar or overlapping development is required by Manitoba pursuant to *The Environment Act*, a cooperative environmental assessment will be undertaken to generate the type and quality of information and conclusions on environmental effects required by “all Parties making decisions on the basis of the cooperative environmental assessment.”

### 4.2 Federal Environmental Requirements

The project has been registered on the Canadian Environmental Assessment Registry (CEAR) internet site, CEAR reference number 10-01-59732. It has been determined that a **screening level** environmental assessment will be conducted for the Project and that the Canadian Environmental Assessment Agency (CEA Agency) will act as the Federal Environmental Assessment Coordinator (FEAC) for the environmental assessment.

As well, as per the Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects, the environmental assessment has been identified as a major natural resource project. As such, the Major Projects Management Office's Tracker will track and monitor the progress of the Project through the federal regulatory system. A project agreement was signed by the federal parties on March 22, 2011 (Attachment 4.5). The purpose of the Agreement is to provide an effective tool to enable the federal parties to deliver an efficient federal review process. It articulates the roles and responsibilities of each department and agency and timeline-based targets for the achievement of process milestones.

The potential federal Responsible Authorities (RAs) identified for the Project are:

- ◆ Fisheries and Oceans Canada (*Fisheries Act*); and
- ◆ Transport Canada (*Navigable Waters Protection Act*).

The following Federal Authorities (FAs) have indicated that they may be in possession of specialist or expert information or knowledge with respect to the Project:

- ◆ Environment Canada;
- ◆ Health Canada; and
- ◆ Natural Resources Canada.

Federal environmental legislation that may be applicable to the Project includes the following:

- ◆ *Canadian Environmental Assessment Act*;
- ◆ *Constitution Act*;
- ◆ *Explosives Act*;
- ◆ *Fisheries Act*;
- ◆ *Migratory Birds Convention Act*;
- ◆ *Navigable Waters Protection Act*;
- ◆ *Species at Risk Act*; and
- ◆ *Transportation of Dangerous Goods Act*.

### **4.3 Provincial Environmental Requirements**

It is the interpretation of Manitoba Hydro that the Project, as a modification to an existing electric generating station, will require a Class 2 Development Licence pursuant to *The Environment Act*.

Other provincial legislation that may be applicable to the Project includes the following:

- ◆ *The Crown Lands Act*;

- ◆ *The Dangerous Goods Handling and Transportation Act;*
- ◆ *The Endangered Species Act;*
- ◆ *The Heritage Resources Act;*
- ◆ *The Mines and Minerals Act;*
- ◆ *The Provincial Parks Act;*
- ◆ *The Public Health Act;*
- ◆ *The Sustainable Development Act;*
- ◆ *The Water Power Act;*
- ◆ *The Water Rights Act;*
- ◆ *The Wildfires Act;*
- ◆ *The Wildlife Act; and*
- ◆ *The Workplace Safety and Health Act.*



This page left blank intentionally

2010 06 18

Ms. Tracey Braun, Ba.Sc.  
Director  
Environmental Assessment & Licensing Branch  
Manitoba Conservation  
Suite 160-123 Main Street  
Winnipeg MB R3C 1A5

Dear Ms. Braun:

**Re: Pointe du Bois Spillway Replacement Project**

On August 1, 2007 Manitoba Hydro submitted an Environment Act Proposal Form (EAPF) with you to modernize the Pointe du Bois generating facilities by constructing new generating facilities adjacent to the existing facilities. As a result of rising construction costs and the change in the economic climate, Manitoba Hydro has decided that the Pointe du Bois project will now take the form of new spillways and new concrete and earth dams. With this change to the scope of the project, the name of the project has been changed to the Pointe du Bois Spillway Replacement Project. There are no plans to rebuild the powerhouse at this time. The existing powerhouse will continue to operate with on-going activities to maintain safety and reliability. With these improvements, modern dam safety guidelines will be addressed.

Accordingly, I am withdrawing the August 1, 2007 EAPF and replacing it with the enclosed EAPF for the new Pointe du Bois Spillway Replacement Project (the Project). New spillways and concrete and earth dams will be constructed just downstream of the existing spillway. The forebay will continue to be controlled within historical operating levels. The existing spillway will operate during the construction of the new facilities and then will be decommissioned.

As you know, Manitoba Hydro initiated an environmental assessment on the previous project. The assessment will now be completed for the Spillway Replacement Project. The enclosed Draft Environmental Assessment Scoping Document has been modified from that approved by you in January 2008 to reflect the details of the new Project. Once the Environmental Impact Statement (EIS) is completed, scheduled for spring 2011, it will be forwarded to you for review and comment.

It is our interpretation that the new facilities will require a Class 2 Development Licence pursuant to *The Environment Act* and a screening review pursuant to the *Canadian Environmental Assessment Act*. We also expect that authorization under the *Fisheries Act* and permitting under the *Navigable Waters Protection Act* will be required.

We anticipate that you will implement a cooperative environmental assessment review of the Project pursuant to the *Canada/Manitoba Agreement on Environmental Assessment Cooperation*. Manitoba Hydro welcomes such a cooperative process.

It would assist our environmental assessment process if you could review our Draft Environmental Assessment Scoping Document and provide any further guidance that you deem necessary for the preparation of the EIS for the Project.

Thank you for your cooperation and guidance in this matter. We are available to discuss this Project with you further as may be required.

Yours truly,



R. Kustra  
Manager  
Major Projects Assessment & Licensing  
Power Projects Development Division  
Power Supply

JM/sk

Enc.

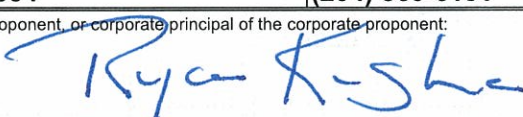
c: Peter Boothroyd - Canadian Environmental Assessment Agency



# Environment Act Proposal Form



This form prescribes the nature and sequence of the information required to file a proposal for a development pursuant to subsections 10(3), 11(7), and 12(3) of *The Environment Act*.

Name of the development: <b>Pointe du Bois Spillway Replacement Project</b>		
Legal name of the proponent of the development: <b>Manitoba Hydro</b>		
Location of the development Street address: <b>N/A</b>	Municipality: <b>Province of Manitoba</b>	
City or Town: <b>Pointe du Bois, Manitoba</b>	Legal description: <b>Whiteshell Provincial Park</b>	
Name of proponent contact person for purposes of the environmental assessment: <b>Ryan Kustra, Major Projects Assessment and Licensing, Manitoba Hydro</b>		
Mailing address: <b>PO Box 815 Stn Main Winnipeg MB</b>		
Postal code: <b>R3C 2P4</b>	Telephone: <b>(204) 360-4334</b>	Fax: <b>(204) 360-6131</b>
Date: <b>2010 06 18</b>	Signature of the proponent, or corporate principal of the corporate proponent: 	
	Printed name:	

- 1) **NOTE: APPLICATION FEE - Refer to Schedule "A" on reverse side.**
- 2) **NOTE: The proponent should reproduce the underlined portions of each section as noted below, adding the required information following each section as it applies to the development. A response to all the sections is required.**

**DESCRIPTION OF THE DEVELOPMENT:**

- i) Certificate of Title showing the owner(s) and legal description of the land upon which the development will be constructed; or (in the case of highways, rail lines, electrical transmission lines, or pipelines) a map or maps at a scale no less than 1:50,000 showing the location of the proposed development;
- ii) Name of the owner of mineral rights beneath the land, if not the same as that of the surface owner;
- iii) Description of the existing land use on the site and on land adjoining it, as well as changes that will be made thereto for the purposes of the development;
- iv) Land use designation for the site and adjoining land as identified in a development plan adopted pursuant to *The Planning Act* or *The City of Winnipeg Act*, and the zoning designation as identified in a Zoning By-Law, if applicable;
- v) A description of all previous studies and activities relating to feasibility, exploration, or project siting and prior authorization received from other government agencies;
- vi) A description of the proposed development (including site plans), and the method of operation and hours of operation;
- vii) An identification of any storage of gasoline or associated products (e.g. diesel fuel, used oil, heating oil, AV gas, solvents, isopropanol, methanol, acetone, etc.);
- viii) A description of the potential impacts of the development on the environment, including, but not necessarily limited to:
  - type, quantity and concentration of pollutants to be released into the air, water or on land;
  - impact on wildlife;
  - impact on fisheries;
  - impact on surface water and groundwater;

- forestry related impacts;
  - impact on heritage resources;
  - socio-economic implications resulting from the environmental impacts.
- ix) A description of the proposed environmental management practices to be employed to prevent or mitigate adverse implications from the impacts identified in viii) which will have regard to, where applicable: containment, handling, monitoring, storage, treatment, and final disposal of pollutants; conservation and protection of natural or heritage resources; environmental restoration and rehabilitation of the site upon decommissioning; and protection of environmental health.

**SCHEDULE:**

The proposed date of commencement of construction, commencement of operation, including staging of the development and termination of operation, if known.

**FUNDING:**

Name and address of any Government Agency (Federal, Provincial or otherwise) from which a grant or loan of capital funds have been requested, where applicable.

**NOTE: *The Environment Act* requires that subject to the Confidential Information clause, Section 47, a proposal shall be filed in the public registry.**

**Proprietary information provided in this form should be clearly noted. A separate summary of the proposal excluding the proprietary information should accompany the proposal for the public registry file.**

**27 copies of any bound report or blueprints supporting the Proposal are required.**

The completed Proposal form should be sent together with a covering letter to:

Director, Environmental Assessment and Licensing Branch  
 Manitoba Conservation  
 Suite 160, 123 Main Street  
 Winnipeg, Manitoba R3C 1A5



This page left blank intentionally

## ENVIRONMENT ACT PROPOSAL FORM

### POINTE DU BOIS SPILLWAY REPLACEMENT PROJECT

#### DESCRIPTION OF THE DEVELOPMENT:

i) Certificate of Title

Certificate of title not available. Use of Manitoba Crown Lands has been granted to Manitoba Hydro by Licence issued pursuant to *The Water Power Act*.

ii) Mineral Rights

The Province of Manitoba is the owner of the mineral rights.

iii) Description of Existing Land Use

The current Pointe du Bois generation station facilities, which began operating in 1911, are an existing land use within Whiteshell Provincial Park. Other hydroelectric power generation facilities also exist on the Winnipeg River in the region.

In accordance with *The Provincial Park Lands Act* (now *The Parks Act*) Whiteshell Provincial Park was established in 1961 and is classified as a Provincial Natural Park. Provincial Natural Parks are relatively spacious land and water areas that are capable of providing a wide range of outdoor recreational opportunities and which are generally adaptable to multiple-use management. Under the 1998 System Plan for Manitoba's Provincial Parks, the Pointe du Bois Area is categorized as *Recreational Development* which provides for a range of intensive recreational facilities including campgrounds, cottage subdivisions, horseback riding, day use areas, hiking and cross-country ski trails, canoe routes, sport fishing, and snowmobile trails. The *Recreational Development Category* also permits commercial resource use while recognizing the recreational values of the Park. The Pointe du Bois area is also used for traditional activities by Aboriginal peoples.

iv) Land Use Designation

Whiteshell Provincial Park, which includes the Pointe du Bois area, is classified as a Provincial Natural Park. Manitoba Hydro has been granted a Licence under *The Water Power Act* that includes use of designated lands for the Pointe du Bois hydro-electric generating facilities.

v) Previous Studies and Activities

A number of previous investigative and feasibility studies will be referenced in the Environmental Impact Statement (EIS). Current and ongoing studies/activities in support of the environmental assessment for the Project are outlined in the attached Draft Environmental Assessment Scoping Document. These studies will be finalized and used in developing the EIS.

vi) Description of the Proposed Development

Note: The following description outlines the current concept for the new spillways, concrete and earth dams. As final engineering and consultation proceeds, the components of the final development will be defined and provided for review.

New spillways, concrete and earth dams will be constructed downstream of the existing spillway. The existing facilities will operate during the construction of the new facilities.

An aerial view of the existing Pointe du Bois facilities and of the preliminary general arrangement of the Spillway Replacement Project are enclosed.

The existing spillway will be decommissioned. The EIS will contain a description and assessment of the final decommissioning plan.

Associated infrastructure with the Project construction will include on-site contractor facilities, a concrete batch plant, storage areas and offices, water and wastewater treatment and disposal, earthfill material source areas (borrow areas), rock disposal areas, cottage access roadway and construction access including barge, winter road and land access across the spillway shelf.

vii) Storage of Gasoline or Associated Products

The EIS will contain the details of gasoline or associated products storage and handling.

viii) Description of the Potential Impacts

Manitoba Hydro is conducting an environmental assessment for the Project. The attached Draft Environmental Assessment Scoping Document provides an outline of the subject areas that the environmental assessment will address and includes a description of the potential effects of the Project. The final scope of the environmental assessment will address any guidance document provided by the regulatory authorities.

ix) Description of Proposed Environmental Management Practices

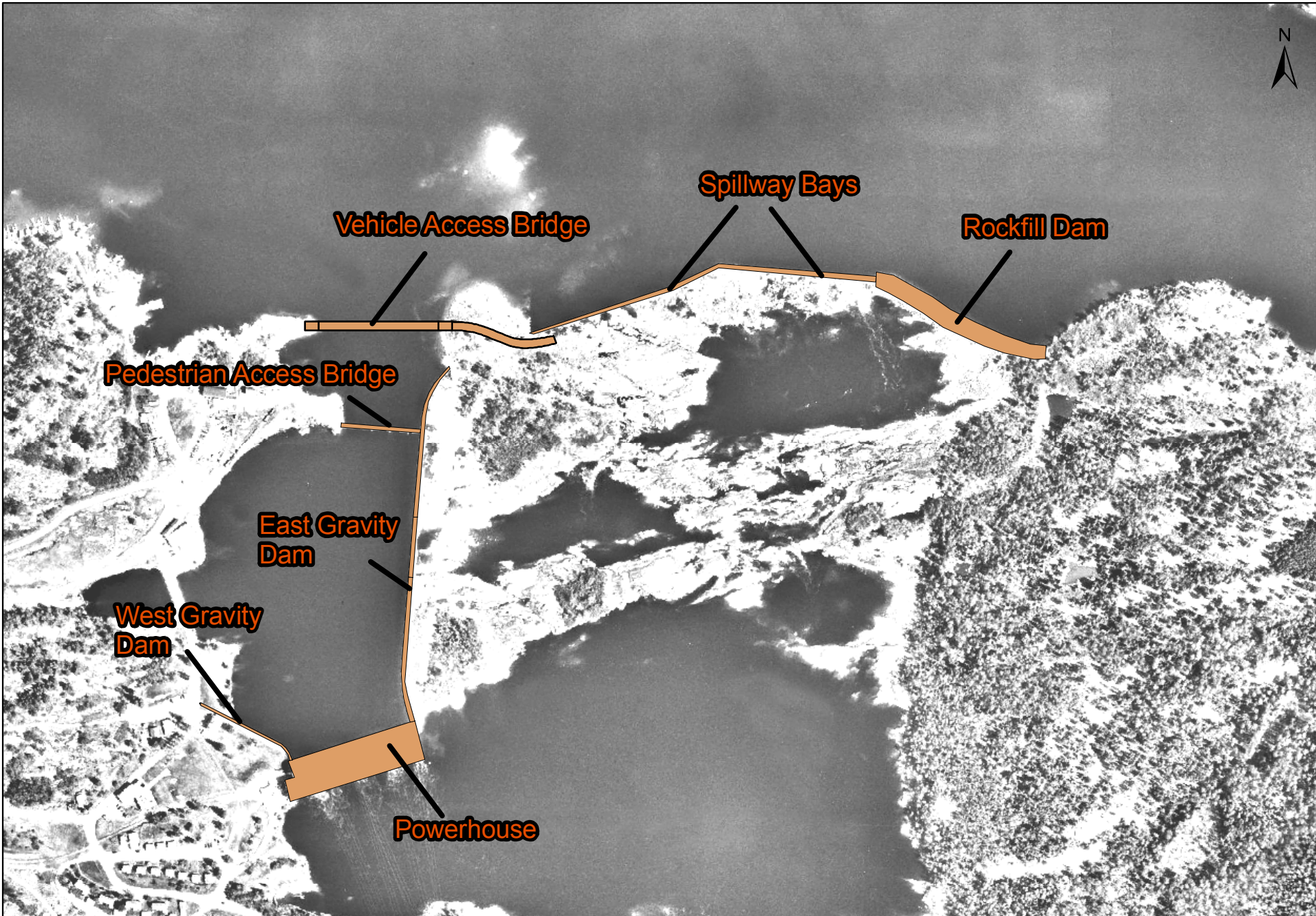
As part of the environmental assessment of the Project, Manitoba Hydro will provide a description of the proposed environmental management practices. The attached Draft Environmental Assessment Scoping Document provides an outline of the subject areas that the environmental assessment will address and includes areas on mitigation of Project effects and monitoring and follow-up actions. The final scope of the environmental assessment will address any guidance submitted by the regulatory authorities.

**SCHEDULE:**

Manitoba Hydro is planning to commence the new spillway construction in the fall of 2011. The environmental assessment is scheduled for completion with submission of an EIS to regulatory authorities in the spring of 2011.

**FUNDING:**

Manitoba Hydro will fund the Project.

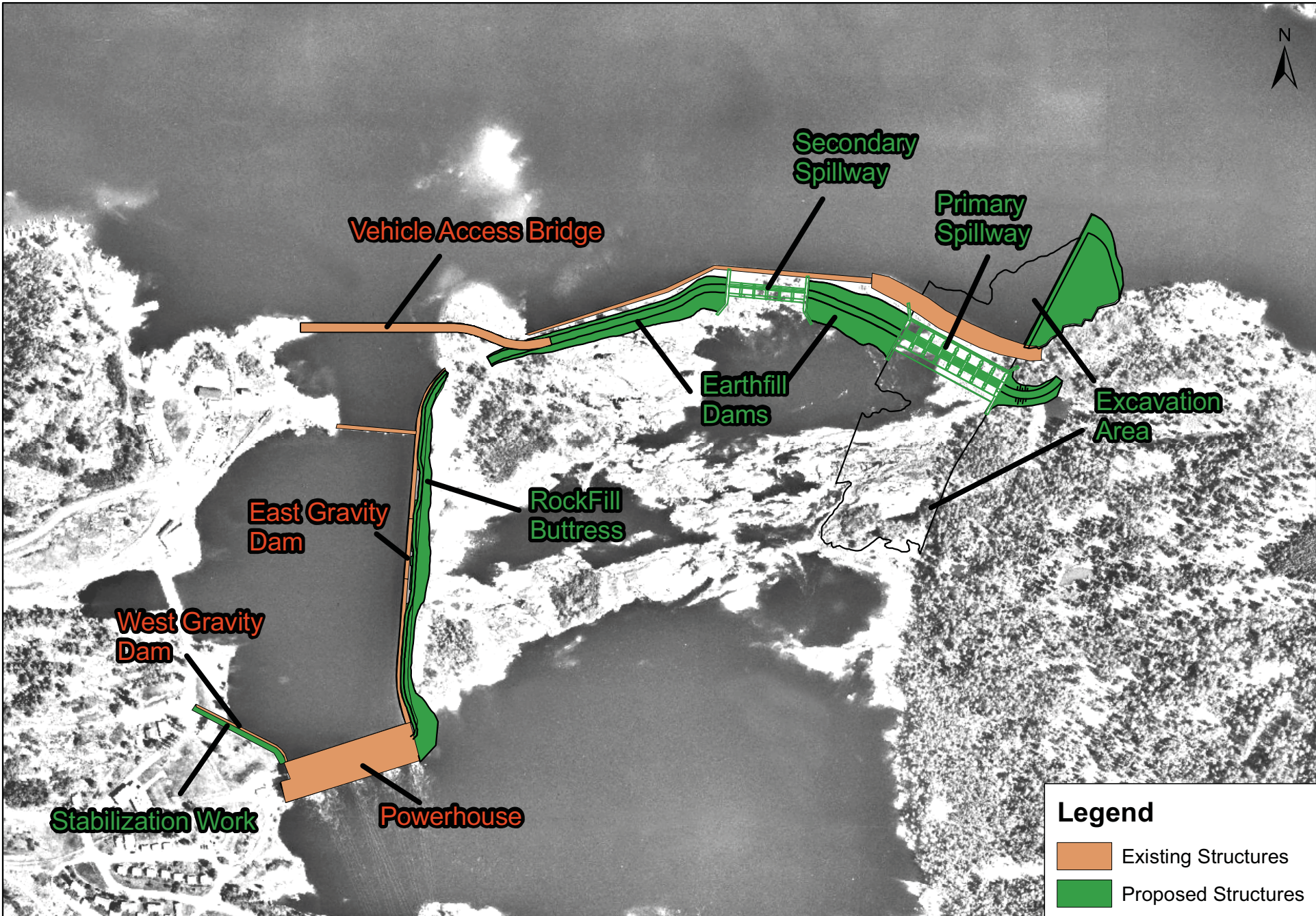


0 60 120 240 Meters

Projection: NAD 83 Zone 15N  
Data Source: Manitoba Hydro

## Pointe du Bois Existing Facilities





0 50 100 200 Metres

Projection: NAD 83 Zone 15N  
Data Source: Manitoba Hydro

**Pointe du Bois  
Spillway Replacement Project  
Preliminary General Arrangement**

This page left blank intentionally

**POINTE DU BOIS  
SPILLWAY REPLACEMENT PROJECT**

**DRAFT ENVIRONMENTAL ASSESSMENT  
SCOPING DOCUMENT**

**Submitted By**

**Manitoba Hydro**

**June 2010**

# Table of Contents

	Page No.
<b>1.0 INTRODUCTION .....</b>	<b>1</b>
1.1 Purpose of Scoping Document .....	1
1.2 Background and Need for the Project .....	1
<b>2.0 REGULATORY FRAMEWORK .....</b>	<b>2</b>
<b>3.0 ENVIRONMENTAL ASSESSMENT CONSULTATION AND COMMUNICATION .....</b>	<b>2</b>
<b>4.0 ABORIGINAL AND LOCAL KNOWLEDGE .....</b>	<b>3</b>
<b>5.0 PROJECT DESCRIPTION .....</b>	<b>3</b>
5.1 Scope of Project .....	3
<b>6.0 SCOPE OF ASSESSMENT .....</b>	<b>4</b>
6.1 Factors to be Addressed in the Assessment .....	4
<b>7.0 EXISTING ENVIRONMENTAL SETTING .....</b>	<b>5</b>
7.1 Study Area .....	5
7.2 Physical Environment .....	5
7.2.1 Climate/General Environment .....	5
7.2.2 Water Regime .....	5
7.2.3 Physiography and Landscape .....	5
7.2.3 Erosion and Sedimentation .....	6
7.3 Aquatic Environment .....	6
7.3.1 Water and Sediment Quality .....	6
7.3.2 Lower Trophic Levels .....	6
7.3.3 Fish Communities and Fish Habitat .....	6
7.4 Terrestrial Environment .....	6
7.4.1 Vegetation and Terrestrial Habitat .....	6
7.4.2 Invertebrates .....	7
7.4.3 Amphibians and Reptiles .....	7
7.4.4 Birds .....	7
7.4.5 Mammals .....	7
7.5 Socio-Economic Environment .....	7
7.5.1 Economy .....	7
7.5.2 Property Ownership .....	7
7.5.3 Infrastructure and Services .....	7
7.5.4 Personal, Family and Community Life .....	8
7.5.5 Aboriginal Resource Use .....	8



7.5.6	Commercial Resource Use.....	8
7.5.7	Recreational Resource Use and Tourism .....	8
7.5.8	Heritage Resources .....	8
<b>8.0</b>	<b>EFFECTS ASSESSMENT APPROACH .....</b>	<b>9</b>
8.1	Effects Assessment Principles and Objectives.....	9
8.2	Effects Assessment Process .....	10
8.2.1	Mitigation, Compensation and Residual Effects.....	10
8.2.2	Determination of Significance.....	10
8.3	Cumulative Effects Assessment.....	11
8.4	Sustainability Assessment .....	11
<b>9.0</b>	<b>MONITORING AND FOLLOW-UP .....</b>	<b>11</b>
<b>10.0</b>	<b>REPORT FORMAT .....</b>	<b>12</b>



## 1.0 Introduction

### 1.1 Purpose of Scoping Document

The purpose of this Draft Scoping Document is to provide information related to the scoping of the environmental assessment for the Pointe du Bois Spillway Replacement Project (the Project). The Project will consist of constructing new spillways, earth and concrete dams, associated infrastructure for construction and decommissioning of the existing spillway.

The Draft Scoping Document for the Project has been developed with consideration of recent approval, licencing, and guidance matters related to the following:

- The Scoping Document for the Pointe du Bois Modernization Project (i.e. the rebuild alternative);
- Wuskwatim Generating Station;
- CEAA guidance given for two recent hydroelectric projects (i.e. Elizabeth Falls Hydroelectric Project and Lower Mattagami Hydroelectric Complex Redevelopment);
- The importance and need to include the use of Aboriginal and local knowledge and public and stakeholder views in the assessment process; and
- Issues identified during initial pre-commitment public consultations in early 2007, environmental assessment consultations in the fall of 2007 on the Pointe du Bois rebuild alternative, and ongoing interaction with stakeholders.

### 1.2 Background and Need for the Project

The Pointe du Bois Generating Station, having first produced power in 1911, is the oldest hydroelectric plant operating in Manitoba. In 2002, Manitoba Hydro acquired the generating station as part of its purchase of Winnipeg Hydro. Despite extensive repairs and upgrades that have been conducted over the years, the spillway facilities at Pointe du Bois now require replacement in order to maintain public and dam safety, and provide a modern and safer working environment for staff.

Accordingly, Manitoba Hydro has decided to construct new spillways and new concrete and earth dams at the present site. The existing spillway will be decommissioned. With these improvements, modern dam safety guidelines will be addressed.

The existing powerhouse will continue to be maintained and operated. The operation and maintenance of the powerhouse is not within the scope of the Spillway Replacement Project.

## 2.0 Regulatory Framework

It is Manitoba Hydro's view that the Project constitutes a Class 2 Development as major modifications to an existing electric generation station as defined by the Classes of Development Regulation under the Manitoba *Environment Act* (MEA). With respect to the *Canadian Environmental Assessment Act* (CEAA), it is Manitoba Hydro's view that a screening review will be required. It is also Manitoba Hydro's understanding that the filing of an Environment Act Proposal Form (EAPF) under the MEA initiates the formal regulatory review process.

Manitoba Hydro anticipates that the Project will be reviewed under the provisions of the *March 2007 Canada/Manitoba Agreement on Environmental Assessment Cooperation*, and Manitoba Hydro would welcome such a cooperative process. Pursuant to that Agreement, it is expected that a Project Administration Team (PAT) and a 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).

The EIS will outline other regulatory and legislative approvals required for Project implementation.

## 3.0 Environmental Assessment Consultation and Communication

Consultation and communication is an essential part of the planning and assessment process for the Project. The environmental assessment consultation and communication program (consultation program<sup>1</sup>) for the Project involves Aboriginal communities and organizations, local residents, other stakeholders, government departments and agencies, municipalities and the general public.

The overall objective of the consultation program is to provide information on the Project and to create meaningful opportunities to receive information and views on the Project. The consultation program aims to achieve the following:

- Provide opportunities for the early involvement of Aboriginal people, local residents, the public, and other stakeholders in the process in order to ensure their involvement throughout the process;
- Effectively use a variety of mechanisms to provide information, receive feedback, and engage in a meaningful dialogue with stakeholders;
- Demonstrate an adaptive approach so that the consultation process can be adjusted in response to stakeholder issues and concerns;
- Effectively use the information received through the consultation process to avoid or minimize any negative Project effects and maximize Project benefits; and
- Communicate to stakeholders how the information they provided was used.

---

<sup>1</sup> The consultation program in this scoping document does not include consultation pursuant to section 35 of *The Constitution Act*.

The consultation program consists of update letters, meetings with Aboriginal groups and stakeholders, and open houses. In addition, meetings with PAT and TAC will be held to present information on the Draft EIS.

## **4.0 Aboriginal and Local Knowledge**

Aboriginal and local knowledge are valuable sources of information for the environmental assessment. Efforts will be made to collect knowledge from these sources for incorporation into the environmental assessment of the Project. A protocol for utilizing Aboriginal knowledge will be established with the providers of the information prior to incorporation into the EIS or any other public document.

## **5.0 Project Description**

### **5.1 Scope of Project**

Note: The following description outlines the current concept for the new spillways, concrete and earth dams. As final engineering and consultation proceeds, the components of the final development will be defined and provided for review.

The Project comprises constructing a new primary spillway, a new secondary spillway, concrete and earth dams at the present site, and decommissioning of the existing spillway.

The Project includes the following major components:

- A new primary spillway immediately downstream of the existing rockfill dam on the east side of the Winnipeg River;
- A new secondary spillway west of the primary spillway;
- New concrete and earthfill dams;
- Stability measures for the existing east and west gravity dams; and
- Decommissioning of the existing spillway structure.

Associated infrastructure with the Project includes:

- On-site contractor facilities;
- A concrete batch plant;
- Storage areas and offices;
- Water and wastewater management;
- Earthfill material source areas (borrow areas) and rock disposal areas;
- Cottage access roadways; and
- Construction access including barge, winter roads and land access across the spillway shelf.

The EIS will describe the Project and use appropriate figures, maps and/or orthophotos to complement the text. The following information will be included:

- Location of the existing generating station, spillway and associated facilities;
- Location of the new spillways and associated facilities;
- Location of staging areas for construction;
- Location of borrow and rock disposal areas;
- Outline of roadways and access routes to be used during pre-construction, construction and operation stages of the Project;
- Anticipated traffic types and volumes;
- Location of on-site contractor facilities;
- Schedule of all construction activities including:
  - Contractor mobilization and demobilization activities;
  - Construction of new buildings and supporting infrastructure;
  - Composition, duration, dewatering and removal of cofferdams;
  - Civil, mechanical, and electrical activities associated with the new spillway; and
  - Decommissioning of existing structures;
- General cost estimates and funding;
- New spillway operation;
- Size and composition of the workforce during construction activities and operation;
- Health and safety programs and measures;
- Plans for decommissioning the existing spillway;
- Plans for decommissioning any temporary infrastructure or facilities;
- Plans to address accidents and malfunctions; and
- Wastes generated by the Project and how waste will be managed and disposed of.

## 6.0 Scope of Assessment

The scope of the assessment will address the requirements of a Class 2 Development pursuant to the *Environment Act* (Manitoba) and the requirements of a screening pursuant to the *Canadian Environmental Assessment Act*. For the purpose of the assessment the definitions of “environment” and “environmental effect” from the Canadian Environmental Assessment Act will be used (the definition of “environment” is broader in the federal act, and the provincial act does not include a definition of environmental effect).

### 6.1 Factors to be Addressed in the Assessment

The following factors will be addressed in the environmental assessment:

- The purpose of the Project;
- Alternative means of carrying out the Project that are technically and economically feasible;
- The environmental effects of the Project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result

from the project in combination with other projects or activities that have been or will be carried out;

- Comments from Aboriginal groups and stakeholders that are received through the consultation process;
- Mitigation measures that are technically and economically feasible for any significant adverse environmental effects of the project; and
- The significance of any residual adverse environmental effects.

## **7.0 Existing Environmental Setting**

Physical, biological and socio-economic studies and activities will be undertaken to describe the physical, biological, and socio-economic components of the existing environment, as related to the current facilities.

### **7.1 Study Area**

Base study areas will be defined for the physical, biological, and socio-economic components. The study areas will vary depending on the specific study activity being reviewed. (e.g. the study area for the terrestrial study activity will include borrow areas that may be remote from the base study area).

### **7.2 Physical Environment**

#### **7.2.1 Climate/General Environment**

The EIS will provide information on the following:

- Temperatures and dates of freeze and thaw;
- Precipitation and snow cover;
- Wind velocity;
- Climate change (including both the effects of the project on climate change and effects of climate change on the project);
- Local air quality; and
- Ambient noise.

#### **7.2.2 Water Regime**

The EIS will provide information on the following:

- Hydrological regime at the Pointe du Bois site;
- Ice conditions; and
- Woody debris accumulation and deposit.

#### **7.2.3 Physiography and Landscape**

The EIS will provide information on the following:

- Topography;
- Geology and geologic deposits that may be used for the Project;
- Terrestrial soils; and



- Groundwater conditions.

### **7.2.3 Erosion and Sedimentation**

The EIS will provide information on the following:

- Erosion; and
- Sedimentation.

## **7.3 Aquatic Environment**

### **7.3.1 Water and Sediment Quality**

The EIS will provide information on the following:

- Water quality (both in the vicinity of the project site and over the broader Study Area); and
- Sediment quality (both in the immediate vicinity of the project site and over the broader Study Area) with emphasis on metals, metalloids and organics.

### **7.3.2 Lower Trophic Levels**

The EIS will provide information on the following:

- Algae, floating and rooted aquatic plants, zooplankton, and benthic and drifting invertebrates; and
- The inter-relationship of lower and higher trophic levels.

### **7.3.3 Fish Communities and Fish Habitat**

The EIS will provide information on the following:

- Abundance and diversity of fish populations, with focus on lake sturgeon, walleye and northern pike;
- Fish habitat use by individual species, with focus on lake sturgeon, walleye and northern pike that frequent the Study Area;
- Fish movement, with focus on lake sturgeon, walleye and northern pike;
- Mercury levels in fish; and
- Threatened and endangered species.

## **7.4 Terrestrial Environment**

### **7.4.1 Vegetation and Terrestrial Habitat**

The EIS will provide information on the following:

- Abundance, diversity and habitats of terrestrial and semi-aquatic vegetation; and
- Threatened and endangered communities/habitats.

## **7.4.2 Invertebrates**

The EIS will provide general information on the following:

- Habitat use;
- Invertebrates species composition and distribution; and
- Threatened and endangered species.

## **7.4.3 Amphibians and Reptiles**

The EIS will provide information on the following:

- Abundance, diversity and habitats of amphibians and reptiles; and
- Threatened and endangered species.

## **7.4.4 Birds**

The EIS will provide information on the following:

- Migratory and breeding birds abundance, diversity and habitats;
- Nesting sites of colonial nesters and raptors; and
- Threatened and endangered species.

## **7.4.5 Mammals**

The EIS will provide information on the following:

- Abundance, diversity and habitats of mammal populations; and
- Threatened and endangered species.

## **7.5 Socio-Economic Environment**

### **7.5.1 Economy**

The EIS will provide information on the following:

- Labour force characteristics including education, business/economic sectors, employment and unemployment, participation rates, and income levels; and
- Profile of economic sectors within the Study Area including commercial resource use.

### **7.5.2 Property Ownership**

The EIS will provide information on the following:

- Property ownership and land tenure, land/resource and water use, and land use and development controls.

### **7.5.3 Infrastructure and Services**

The EIS will provide information on the following:

- Roads and highways, community facilities and other services.

#### **7.5.4 Personal, Family and Community Life**

The EIS will provide information on the following:

- Population characteristics, with an emphasis on demographics and health status of potentially affected communities and the region in general; and
- Way of life, community cohesion, culture and spirituality.

#### **7.5.5 Aboriginal Resource Use**

The EIS will provide information on the following:

- Existing Aboriginal harvesting, including hunting, fishing, trapping, and gathering.

#### **7.5.6 Commercial Resource Use**

The EIS will provide information on the following:

- Trapping;
- Fishing;
- Guiding and outfitting;
- Harvesting of wild rice;
- Mining;
- Forestry; and
- Hydro-electric generation.

#### **7.5.7 Recreational Resource Use and Tourism**

The EIS will provide information on the following:

- Hunting;
- Fishing;
- Gathering;
- Lodges and associated facilities;
- Cottage developments;
- Campgrounds;
- Recreational operations;
- Outdoor recreation activities; and
- Tourism and eco-tourism opportunities.

#### **7.5.8 Heritage Resources**

The EIS will provide information on the following:

- Historical-cultural characterization;
- Archaeological and culturally important sites;
- Known burial sites; and
- Past and present traditional land use and occupancy.

## 8.0 Effects Assessment Approach

### 8.1 Effects Assessment Principles and Objectives

The overall effects assessment approach will consider scientific study and analysis, Aboriginal knowledge, local knowledge and stakeholder perspectives, issues and concerns.

The effects assessment approach will embrace the following principles:

- That an understanding is required of the existing physical, biological, and socio-economic environments in the study area;
- That an understanding is required of the Project and the potential interactions between the Project and the environment;
- That Aboriginal knowledge, local knowledge, and scientific analysis all contribute to gaining an understanding of the existing environment and how the existing environment may be affected by the Project;
- That an understanding is required of how other past and potential future human activities have and continue to affect the environment and how these activities may interact with the Project;
- That Project effects will need to be viewed from the perspective of a variety of stakeholders;
- That stakeholder perspectives will be sought through consultation;
- That adverse effects will be avoided, mitigated or compensated and positive effects will be maximized, to the extent these measures are practicable; and
- That follow-up monitoring is required.

The effects assessment approach is designed to describe and address potential Project effects on the physical, biological, and socio-economic environments for use in the preparation of the EIS for the Project.

The main objectives of the effects assessment for the Project are as follows:

- Assist in the planning and design of the Project by identifying and assessing potential environmental effects and mitigation options to avoid or minimize adverse effects and maximize positive effects to the degree practicable;
- Address concerns and issues identified by Aboriginal peoples, local residents, and other stakeholders with respect to the Project; and
- Provide sufficient information to prepare an EIS for consideration by regulators to exercise their legislated mandate.

The effects assessment will consider the existing environment without the Project, as the baseline condition against which changes caused by the Project will be assessed and measured.

Potential effects of the Project will also be considered in terms of sustainability as outlined in section 8.4 of this Draft Scoping Document.

## **8.2 Effects Assessment Process**

The effects assessment will include the following steps:

- The Project and the existing environment will be described;
- Interactions between the Project and the environment will be identified and assessed;
- Aboriginal and local knowledge will be considered;
- Potential environmental effects of the Project will be identified;
- A selected list of appropriate valued environmental components (VECs) will be determined for the study area(s). These VECs will be used to provide a focus to the assessment and to the evaluation of the significance of the potential environmental effects of the Project;
- Technically and economically feasible measures to mitigate adverse effects or compensation measures will be identified, as will measures to enhance positive effects; and
- The significance of residual adverse effects will be determined.

Using this process, the EIS will describe and assess the potential effects of the Project and associated infrastructure on the physical, biological, and socio-economic environments for each phase of the Project – construction, operation and decommissioning.

### **8.2.1 Mitigation, Compensation and Residual Effects**

The EIS will describe any mitigation measures or effect management proposed to be implemented during the construction, operation and decommissioning phases of the Project, including any need for fish habitat compensation, and navigation safety. Feasible measures to enhance the potential benefits associated with the construction and operation of the Project will also be detailed.

The EIS will identify any residual Project effects expected to remain after mitigation and/or compensation measures have been implemented.

### **8.2.2 Determination of Significance**

The EIS will outline the framework to be used in the evaluation of the significance of residual adverse effects by using the following criteria:

- Nature of the effect;
- Geographic extent of the effect;
- Magnitude of the effect;
- Duration of the effect;
- Timing of the effect;
- Frequency of the effect;
- Reversibility of the effect; and



- Confidence in the prediction of the effect.

Characterization of the significance of the residual adverse effects will consider scientific study and analysis, Aboriginal knowledge, and local knowledge, and will relate to all phases of the Project – construction, operation, and decommissioning.

### **8.3 Cumulative Effects Assessment**

In addition to describing the direct effects of the Project, the EIS will also include an assessment of cumulative effects. The cumulative effects assessment (CEA) will include a consideration of the potential for Project effects to act in combination with the effects of other past, present and/or reasonably foreseeable future projects in the study area (to be defined for the CEA). The EIS will outline the approach and methods for the CEA, and will include a description of the spatial and temporal boundaries used in the assessment. Guidance documents such as the Operational Policy Statement *Addressing Cumulative Environmental Effects Under the Canadian Environment Assessment Act* and the *Cumulative Effects Practitioners Guide* will be used to formulate the CEA process.

### **8.4 Sustainability Assessment**

Manitoba Hydro has Corporate Environmental and Sustainable Development Policies in order to help link its responsibilities both for the supply of energy to the Manitoba economy and for the protection of the environment and human health. Manitoba Hydro will incorporate its principles of sustainable development in all of its activities associated with the planning, development, operation and maintenance of the Project.

The EIS for the Project will address and incorporate the Principles and Guidelines of Sustainable Development as contained in *The Sustainable Development Act* (Manitoba).

## **9.0 Monitoring and Follow-up**

The EIS will provide details of, and commit Manitoba Hydro to, a monitoring and follow-up program extending through the construction, operation and decommissioning phases of the Project. The monitoring and follow-up program will incorporate the following:

- Identification of proposed methods to avoid and mitigate adverse environmental effects, including summaries of potential environmental sensitivities and mitigation actions;
- Emergency response plans developed in consultation with local authorities;
- Environmental protection plans for construction, operation and decommissioning;
- Monitoring plans and reporting protocols;

- Closure plans for borrow areas, including mitigation of potential hazards to public safety;
- Information on waste management practices to be utilized during all phases of the Project;
- Documentation of EIS commitments;
- An implementation plan for the EIS commitments; and
- A commitment to mitigate environmental effects throughout the full life-cycle of the Project. Field construction and operating personnel will be provided clear instructions on the mitigation measures to be implemented and on the lines of communication to be followed.

Where appropriate, monitoring of the physical, biological, and socio-economic effects on local, Aboriginal, or other affected communities will be conducted during the construction, operation and decommissioning phases of the Project. The monitoring program is intended to confirm impact predictions related to anticipated effects and to determine whether unexpected effects are occurring.

A compliance monitoring program for the construction, operation and decommissioning phases of the Project will be provided. The monitoring program will describe parameters to be monitored, methodologies and time frames.

As part of the process of follow-up and monitoring, the principles of adaptive management will apply. The EIS will describe a process that will be implemented in the event that it is determined that the Project is having unexpected adverse effects or if mitigation measures are proving to be ineffective.

## 10.0 Report Format

The EIS for the Project will be written with a minimum of technical terminology and will include a glossary of terms used throughout the document. An executive summary for the EIS will be provided.

The EIS will utilize maps, charts, diagrams and photographs as appropriate for presentation. To the extent possible, maps and diagrams will be presented at a common scale so that these may be overlaid for ease of reference.

Supporting scientific, local and available Aboriginal information will be contained in reference appendices to the EIS.

This page left blank intentionally



This page left blank intentionally





**Conservation**

Climate Change and Environmental Protection Division  
Environmental Assessment and Licensing Branch  
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5  
T 204 945-7100 F 204 945-5229  
[www.gov.mb.ca/conservation/eal](http://www.gov.mb.ca/conservation/eal)

**File: 5471.00**

August 3, 2010

Mr. Ryan Kustra  
Manager  
Major Projects Assessment and Licensing  
Power Projects Development Division  
Manitoba Hydro  
Box 815  
Winnipeg MB R3C 2P4

Dear Mr. Kustra:

**Re: Pointe du Bois Spillway Replacement Project**

A review of the Draft Environmental Assessment Scoping Document prepared by Manitoba Hydro for the above noted project has been completed. The review was undertaken pursuant to the Manitoba Environment Act and the Canada-Manitoba Agreement on Environmental Assessment Cooperation, and included review by federal departments pursuant to the Canadian Environmental Assessment Act.

No public comments were received on the draft scoping document. Federal comments were provided directly to you in a letter from the Canadian Environmental Assessment Agency (CEAA) of July 30, 2010. A copy of federal comments is enclosed. Provincial comments by members of our Technical Advisory Committee for Energy Production projects are also enclosed.

Comments that pertain directly to the scoping document should be incorporated in the finalized scoping document. Some of the comments provided are for information and do not pertain directly to the scoping document. These comments may be considered in the Environmental Impact Statement for the project.

Please forward the finalized the Environmental Assessment Scoping Document to me for placement in the public registries for the project.

Yours truly,

Tracey Braun, M. Sc.  
Director  
Environmental Assessment and Licensing Branch

Enclosures

c. Peter Boothroyd, CEAA  
Public Registries

## Webb, Bruce (CON)

---

**From:** Stephens, Jonathan (CON)  
**Sent:** Monday, July 26, 2010 1:53 PM  
**To:** Webb, Bruce (CON)  
**Cc:** Barto, William (CON)

**Subject:** EA proposal - POINTE DU BOIS SPILLWAY REPLACEMENT PROJECT - file 5471.00

The Sustainable Resource and Policy Management Branch has reviewed the above mentioned proposal and has the following comments to provide:

A protected portion of Whiteshell Provincial Park is located approximately 22 km downstream of the proposal project location. It is recommends that:

1. the study areas mentioned in the Draft Scoping Document (which are not specifically defined in the provided documents) be expanded to include waters along this protected land if they do not already do so.
2. that studies, monitoring activities and other activities undertaken as part of the physical and biological studies listed in sections 7.2, 7.3, 7.4 of the draft scoping document be carried out in the waterways bordering these protected lands to ensure activities associated with the project do not adversely affect the neighbouring habitat.
3. that any adverse effects be reported to Manitoba Conservation and be mitigated as required by Manitoba Conservation.

Protected areas are land, freshwater or marine areas, where logging, mining, hydroelectric development, oil and gas development, and other activities that significantly and adversely affect habitat are prohibited by law. Activities adjacent to designated protected areas should not adversely affect habitat of the protected area.

## Webb, Bruce (CON)

---

**From:** Bezak, Dave (CON)  
**Sent:** Thursday, July 22, 2010 2:19 PM  
**To:** Webb, Bruce (CON)  
**Cc:** Molod, Rommel (CON); Streich, Laurie (CON)  
**Subject:** FW: Pointe du Bois Spillway Replacement Project (5471.00)

Bruce, we have air quality-related comments on the above proposed project. Thanks. DB.

---

**From:** Molod, Rommel (CON)  
**Sent:** Thursday, July 22, 2010 1:47 PM  
**To:** Bezak, Dave (CON)  
**Subject:** Pointe du Bois Spillway Replacement Project (5471.00)

I have no comments on the proposal. What was submitted at this time is a draft scoping document for an Environmental Assessment.

Contact Person: Bruce Webb

Rommel

**Rommel Molod**  
Air Quality Specialist  
Pollution Prevention Branch  
Manitoba Conservation  
Suite 160 123 Main Street  
Winnipeg MB R3C 1A5  
T (204) 945-7047  
F (204) 945-1211

**DATE:** July 28, 2010

**Memorandum**

**TO:** Bruce Webb  
Water Development and Control  
Assessment Officer  
Environmental Assessment and  
Licensing Branch  
Manitoba Conservation  
123 Main Street, Suite 160  
Winnipeg, Manitoba R3C 1A5

**FROM:** William Weaver, M.Sc.  
Environmental Review Officer  
Manitoba Water Stewardship  
200 Saulteaux Crescent, Box 14  
Winnipeg, Manitoba R3J 3W3

**TELEPHONE:** 945-6395

**FACSIMILE:** 945-7419

**CC:** Laureen Janusz

**SUBJECT:** *ENVIRONMENT ACT PROPOSAL FILE: 5471.00*  
**POINTE DU BOIS SPILLWAY REPLACEMENT PROJECT**

---

Manitoba Water Stewardship has reviewed the referenced file, forwarded for comment on June 23, 2010.

- Manitoba Water Stewardship recommends that an environmental impact statement should include the following:
  - The “Fish Community” section and the effects assessment discussion shall contain information on small bodied and juvenile fishes. These species and life stages may be more directly impacted by spillway operation with a cascading effect on “resource valued” fish species and the aquatic ecosystem as a whole.
  
- Manitoba Water Stewardship submits the following comments:
  - The Manitoba Department of Water Stewardship is mandated to ensure the sustainable development of Manitoba’s water resources. Manitoba Water Stewardship is committed to the goals of: protecting aquatic ecosystem health; ensuring drinking water is safe and clean for human health; managing water-related risks for human security; and stewarding the societal and economic values of our waterways, lakes and wetlands; for the best water for all life and lasting prosperity. Manitoba Water Stewardship achieves these goals, in part, through administering

Date: July 28, 2010  
Subject: *Environment Act* Proposal File 5471.00  
Pointe Du Bois Spillway Replacement Project

---

legislation, including *The Water Protection Act*, *The Water Rights Act*, and  
*The Water Power Act*.

William Weaver, M.Sc.



DATE: July 27, 2010

TO: Bruce Webb  
Water Development and  
Control Assessment Officer  
Manitoba Conservation  
Suite 160-123 Main Street  
Winnipeg MB

FROM: Myra Sitchon  
Impact Evaluation  
Archaeologist  
Historic Resources  
Branch  
Main Floor 213 Notre  
Dame Avenue  
Winnipeg MB  
R3B 1N3  
PHONE NO: (204) 945-6539

SUBJECT: ENVIRONMENT ACT PROPOSAL

CLIENT FILE: 5471.00

MANITOBA HYDRO  
POINTE DU BOIS SPILLWAY PROJECT

I have reviewed the above-noted Scoping Document pursuant to the Environment Act. The Historic Resources Branch has concerns with regard to this project's potential to impact heritage resources. Section 7.5.8 outlines the proposed contents of the EIS regarding Heritage Resources and the intended detail to avoid and/or minimize adverse effects on Heritage Resources.

There are is potential to impact heritage resources during development as archaeological sites have been recorded within the vicinity of the project. Under Section 12(2) of The Heritage Resources Act, if the Minister of Culture, Heritage and Tourism has reason to believe that heritage resources are known, or thought likely to be present, on lands that are to be developed, then the owner/developer may be required to conduct at his/her own expense, a heritage resource impact assessment and mitigation, if necessary, prior to the project's start.

If at any time significant heritage resources are recorded in association with these lands during development, the Historic Resources Branch may require that an acceptable heritage resource management strategy be implemented by the developer to mitigate the affects of development on the heritage resources.

Should you have any questions, please do not hesitate to contact me at (204) 945-6539 or myra.sitchon@gov.mb.ca.



Myra Sitchon

## Webb, Bruce (CON)

---

**From:** Braun, Tracey (CON)  
**Sent:** Tuesday, August 03, 2010 9:20 AM  
**To:** Webb, Bruce (CON)  
**Subject:** FW: Pointe du Bois Generating Station EIS scoping document

---

**From:** Bernasconi, Maria P (IEM)  
**Sent:** Friday, July 30, 2010 1:59 PM  
**To:** Braun, Tracey (CON)  
**Subject:** FW: Pointe du Bois Generating Station EIS scoping document

Client File No. 5471.00

Sent on behalf of Jim Crone

*Maria Bernasconi*  
*Administrative Assistant*  
*Energy Division*  
*Innovation, Energy and Mines*  
*Government of Manitoba*  
*1200-155 Carlton Street*  
*Winnipeg, MB R3C 3H8*  
[Maria.Bernasconi@gov.mb.ca](mailto:Maria.Bernasconi@gov.mb.ca)  
*T: (204) 945-7246*  
*F: (204) 943-0031*

---

**From:** Simonsen, Kurt (STEM)  
**Sent:** Monday, June 28, 2010 11:05 AM  
**To:** Crone, Jim (STEM)  
**Cc:** Bernasconi, Maria P (STEM); Simonsen, Kurt (STEM)  
**Subject:** Pointe du Bois Generating Station EIS scoping document

I provide the following comments for consideration:

- The proposal to replace the spillway is understandable given the age of the structure. The document suggests the existing structure may not meet modern dam safety guidelines. Can Hydro confirm the existing spillway and all earthen structures and concrete dams are currently sound and do not pose any risk to public safety? Are these structures in compliance with dam safety guidelines and if not, what sort of mitigating practices are in place to ensure public safety?
- The original proposal by Hydro included a new powerhouse and relocated spillways. What circumstances changed resulting in the decision to scale down the project and focus on replacing the existing spillways?
- What is the condition of the powerhouse and will it be reconstructed in the future? Will the project proposal change in any way the station's generating capacity and overall capacity factor?
- Are there any contemplated changes to the hydraulic regime that may have consequential impacts upstream and downstream of the station both during and after construction?

**Kurt Simonsen, M.N.R.M., P. Eng**  
**Manitoba Department of Innovation, Energy & Mines**  
**Phone: (204) 945-3376**  
**e-mail: [Kurt.Simonsen@gov.mb.ca](mailto:Kurt.Simonsen@gov.mb.ca)**

2010-08-03



**Infrastructure and Transportation**

Highway Planning and Design Branch  
Environment Section  
14<sup>th</sup> Floor – 215 Garry St., Winnipeg, Manitoba R3C 3P3  
T (204) 945-2369 F (204) 945-0593

July 15, 2010

Tracey Braun  
Director, Environmental Assessment & Licensing Branch  
Manitoba Conservation  
123 Main St., Suite 160  
Winnipeg, MB R3C 1A5

RE: Pointe du Boise Spillway Replacement Project  
Client File No 5471.00

Dear Director Braun:

MIT has reviewed the Environment Act Proposal noted above and we have no concerns with the proposed project at this time.

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

Sincerely,



Kimber Osiowy, M.Sc., P.Eng.  
Manager of Environmental Services



Canadian Environmental  
Assessment Agency

Agence canadienne  
d'évaluation environnementale

101 – 167 Lombard Avenue  
Winnipeg, Manitoba R3B 0T6

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

July 30, 2010

**CEAA File No.: MP2010-046**  
**MC File No.: 5471.00**

Mr. Bruce Webb  
Environmental Assessment and Licensing Branch  
Manitoba Conservation  
Suite 160, 123 Main Street  
Winnipeg, MB R3C 1A5

Dear Mr. Webb:

**SUBJECT: Pointe du Bois Spillway Replacement Project**

I am responding to the June 23, 2010 letter from Tracey Braun, Director, Environmental Assessment and Licensing Branch, Manitoba Conservation to Dan McNaughton, Director, Prairie Office, Canadian Environmental Assessment Agency.

I have completed a survey of federal departments with respect to determining interest in the project noted above. I can confirm that the project information provided has been reviewed by all federal departments with a potential interest. Departments were also asked to provide comments on Manitoba Hydro's Draft Environmental Assessment Scoping Document.

Based on the responses to the federal survey, it is likely that the *Canadian Environmental Assessment Act* (the Act) applies to the project. Fisheries and Oceans Canada (DFO) anticipates that an authorization will likely be required under subsection 35(2) of the *Fisheries Act*. However, DFO advises that Manitoba Hydro's Draft Environmental Assessment Scoping Document did not contain enough information to confirm which sections of the *Fisheries Act* would be triggered and to what extent. The Major Projects Management Office's Guide to Preparing a Project Description for a Major Resource Project outlines the information that should be included in a project description. It is recommended that Manitoba Hydro consult this Guide, available at <http://www.mpmo-bggp.gc.ca/desc/guide-eng.php>, and provide the additional information that is missing in the Scoping Document.

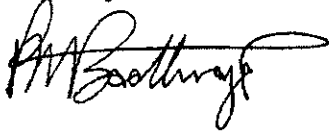
Transport Canada (TC) has advised that it is uncertain as to whether an Approval under the *Navigable Waters Protection Act* (NWPA) would be required for the project and, if so, what kind of Approval. I understand that TC is in the process of obtaining more information on the project from Manitoba Hydro in order to assist TC in making a determination on the need for an NWPA Approval. TC may or may not be a responsible authority depending on the nature of the Approval required.

Environment Canada, Indian and Northern Affairs Canada and Health Canada indicated that they have expertise, available upon request, that may assist in the environmental review of this project. A copy of the letter received from Health Canada, describing its areas of expertise, is attached.

Comments on Manitoba Hydro's Draft Environmental Assessment Scoping Document are also attached.

If you have any questions concerning the Act or its Regulations, please do not hesitate to contact me by telephone at 204.984.8020 or by e-mail at [peter.boothroyd@ceaa-acee.gc.ca](mailto:peter.boothroyd@ceaa-acee.gc.ca).

Sincerely,

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

Peter Boothroyd  
Project Manager

Attach.

c.c. Mr. Ryan Kustra, Manitoba Hydro  
Ashley Presenger, DFO  
Zeena Mohammed, TC  
Reg Ejeckam, EC  
Rick Grabowecky, HC  
Daniel Benoit, INAC  
Regent Dickey, MPMO



**Federal Contacts List**

**Project:** Pointe du Bois Spillway Replacement Project  
**CEAA File No.:** MP2010-046  
**MC Client File No.:** 5471.00

Mr. Peter Boothroyd  
Canadian Environmental Assessment Agency  
Suite 101, 167 Lombard Avenue  
Winnipeg, Manitoba R3B 0T6  
Telephone: (204) 984-8020  
Fax : (204) 983-7174  
E-mail : [peter.boothroyd@ceaa-acee.gc.ca](mailto:peter.boothroyd@ceaa-acee.gc.ca)

Ms. Ashley Presenger  
Fisheries and Oceans Canada  
501 University Crescent  
Winnipeg, Manitoba R3T 2N6  
Telephone: (204) 984-0405  
Fax : (204) 984-2402  
E-mail : [ashley.presenger@dfo-mpo.gc.ca](mailto:ashley.presenger@dfo-mpo.gc.ca)

Ms. Zeena Mohammed  
Transport Canada  
3rd Floor, 344 Edmonton Street  
Winnipeg, Manitoba R3C 0P6  
Telephone: (204) 983-3508  
Fax : (204) 983-5048  
E-mail : [zeena.mohammed@tc.gc.ca](mailto:zeena.mohammed@tc.gc.ca)

Mr. Reg Ejeckam  
Environment Canada  
Suite 150, 123 Main Street  
Winnipeg, Manitoba R3C 4W2  
Telephone: (204) 984-3522  
Fax : (204) 983-0960  
E-mail : [reg.ejeckam@ec.gc.ca](mailto:reg.ejeckam@ec.gc.ca)

Mr. Rick Grabowecky  
Health Canada  
510 Lagimodiere Boulevard  
Winnipeg, Manitoba R2J 3Y1  
Telephone: (204) 984-8318  
Fax : (204) 983-5692  
E-mail : [rick.grabowecky@hc-sc.gc.ca](mailto:rick.grabowecky@hc-sc.gc.ca)

Mr. Daniel Benoit  
Indian and Northern Affairs Canada  
Room 200, 365 Hargrave Street  
Winnipeg, Manitoba R3B 3A3  
Telephone: (204) 983-4886  
Fax : (204) 983-2936  
E-mail : [daniel.benoit@inac-ainc.gc.ca](mailto:daniel.benoit@inac-ainc.gc.ca)

## **Federal Comments on Manitoba Hydro's Draft Environmental Assessment Scoping Document**

### **General Comments**

- 1) A general note on the use of various terms including Aboriginal people, peoples, communities, groups etc. All the documents coming from the INAC Consultation Unit/DOJ suggests that the term "Aboriginal group" is the preferred term if not specifically addressing any individual group or community. On page 2 under section 3.0, if the intent of Aboriginal 'people' was to refer to 'Aboriginal' individuals then use 'individuals'. However, INAC suggests that the Local Chief and Council or appropriate level of the MMF be contacted and worked with to get to those individuals and discussions.
- 2) When collecting data from various Aboriginal groups and their membership, the proponent must keep the distinctive group's data separate so that concerns and possible effects on those groups is identifiable. For example, keep the First Nation and Métis data separate as well as the various First Nations data separate from each other.
- 3) It is difficult to determine which VECs should be added when the proponent has not indicated what is being considered in the assessment and who will be consulted to determine the VECs.
- 4) Will the proponent work with the Aboriginal groups to get their views on appropriate VECs?
- 5) What will be the Communication Strategy to notify Aboriginal groups and their users of temporary changes to access to the river and area?

### **Specific Comments**

- 1) Section 1.2, last paragraph. It says that the powerhouse is not within the scope of this project. Can Manitoba Hydro reasonably continue to repair this facility forever or should it be considered in cumulative effects as a 'reasonably foreseeable' project, as it was only 3 years ago?
- 2) Section 5.1. The schedule of all construction activities should also include the schedule for any blasting that will occur on site. The information on new spillway operation should include any hydrological changes (including water elevations and discharges) that can be expected.
- 3) Section 6.1. The status quo (baseline?) is an alternative to the project and should be discussed as an option (even if it is to be ruled out for environmental or safety reasons). Alternative means of carrying out the project should include the rationale for the selection and a description of the process undertaken to determine the final design of the project components. This section should also include the need and requirement of a monitoring plan.
- 4) Section 7.0. It is noted that this section indicates that the existing environmental setting will describe the physical environment (including ambient noise and local air quality) and the aquatic environment (water quality and mercury levels in fish). However, it is unclear if the assessment of these components will address baseline information needs in regards to the human environment. Health Canada suggests the inclusion of all relevant human health considerations (e.g. impacts on country foods, drinking and recreational water quality) in the assessment of the existing environmental setting and that the scoping document reflects this inclusion.

- 5) Section 7.2.2. This section should include the Winnipeg River system operations throughout the year for various hydraulic conditions.
- 6) Section 7.3.3. Fish habitat use by individual species, with a focus on Lake Sturgeon, Walleye, and Northern Pike, should include all relevant fish species that inhabit the area and that have the potential to be affected by the proposed project. Information should also be provided on relevant/sensitive life stages of fish. "Fish movement" should be expanded to explain what is meant by "movement". It should include movement within the study area, upstream migration, downstream migration, existing impacts of the lack of upstream migration on the general fish population, and existing impacts of downstream migration through the spillway and powerhouse.
- 7) Sections 7.5.5, 7.5.8, 8.1, 8.2 and elsewhere. The sentence/concept should be expanded beyond harvesting to something like "current use of lands and resources for traditional purposes by aboriginal peoples (groups), and the significance to their cultural, social and economic well-being of any changes in the current use of lands and resources as a result of the project". The listing could be kept as examples.
- 8) Section 7.5.8. One of the issues raised during the Wuskwatim process by the Métis (MMF) was the apparent lack of 'tools' to enable characterization of a site as Métis or First Nation (when younger than a few hundred years old). Have new techniques emerged, and will the proponent be able to identify a site as Métis or First Nations origin?
- 9) Section 7.5.9. An additional section entitled "Navigation" should be added. This section should contain the following:
  - o describe predicted direct and indirect effects of proposed works on navigation, including alterations on surface water hydrology, water withdrawal, fish habitat compensation measures, and proposed works built in, on, over, through, across or under any waterway.
  - o provide a description of proposed mitigation measures and effectiveness of these measures for ensuring navigability and the protection of navigation safety during construction, operation and decommissioning of the proposed works.
  - o describe all waterways affected by proposed works (new or changes to existing infrastructure) in, on, over, under, through or across any waterway. This would also include any temporary works that may impede vessel passage and safety.
- 10) Section 8.0. This section provides general information on the effects assessment approach including the assessment of potential environmental effects, selection of appropriate VECs and description of mitigation measures for the physical, biological and socio-economic environments. Limited information is provided with regards to the specific considerations of human health (e.g. impacts to country foods, drinking and recreational water quality, ambient noise, and air quality) that will be undertaken using the proposed effects assessment approach. It is unclear whether there will be an opportunity for technical advisory team review of the VECs chosen for the effects assessment. Health Canada suggests the inclusion of relevant human health components in the effects assessment and that the scoping document and subsequent procedural documents indicate the inclusion of any areas of potential health concern planned for the assessment. Please refer to the following guidance document for further information on Health Canada's areas of expertise and information that is useful for assessing potential

health impacts for EAs: [http://www.hc-sc.gc.ca/ewh-semt/alt\\_formats/hecs-sesc/pdf/pubs/eval/environ\\_assess-eval/environ\\_assess-eval-eng.pdf](http://www.hc-sc.gc.ca/ewh-semt/alt_formats/hecs-sesc/pdf/pubs/eval/environ_assess-eval/environ_assess-eval-eng.pdf)

- 11) Section 8.2.2, last paragraph. Should all phases of the project read as per the definition in CEAA (e.g. maintenance is not included)? The CEAA definition is more inclusive.



Health Canada Santé Canada

Environmental Health Program  
Regions and Programs Branch  
510 Lagimodiere Blvd  
Winnipeg, MB R2J 3Y1

July 22, 2010

Your file MP2007-054  
Our file MB/SK-2010/11-023

Peter Boothroyd  
Canadian Environmental Assessment Agency  
Suite 101 - 167 Lombard Avenue  
Winnipeg, MB R3B 0T6

**Subject: Health Canada's Review of the Point Du Bois Spillway Replacement Project Draft Environmental Assessment Scoping Document**

---

Dear Mr Boothroyd,

Thank you for your office's e-mail of July 21, 2010 requesting Health Canada's review of the Point Du Bois Spillway Replacement Project Draft Environmental Assessment Scoping Document (June, 2010). Health Canada is participating as a Federal Authority in this review in accordance with Subsection 12(3) of the *Canadian Environmental Assessment Act*, and we offer the following comments:

- It is noted that Section 7.0 indicates that the existing environmental setting will describe the physical environment including (ambient noise and local air quality) and the aquatic environment (water quality, and mercury levels in fish).

However, it is unclear if the assessment of these components will address baseline information needs in regards to the human environment. Health Canada suggests the inclusion of all relevant human health considerations (e.g. impacts to country foods, drinking and recreational water quality) in the assessment of the existing environmental setting and that the scoping document reflects this inclusion.

- Section 8.0 provides general information on the effects assessment approach including the assessment of potential environmental effects, selection of appropriate valued environmental components (VECs) and description of mitigation measures for the physical, biological and socio-economic environments.

Limited information is provided with regards to the specific considerations of human health (e.g. impacts to country foods, drinking and recreational water quality, ambient noise, and air quality) that will be undertaken using the proposed effects assessment approach. It is unclear whether there will be opportunity for technical advisory team

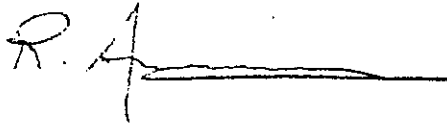
Sent by e-mail to: peter.boothroyd@ceaa-acee.gc.ca

review of the VECs chosen for the effects assessment. Health Canada suggests the inclusion of relevant human health components in the effects assessment, and that the scoping document and subsequent procedural documents indicate the inclusion of any areas of potential health concern planned for assessment.

Please refer to the following guidance document for further information on Health Canada's areas of expertise and information that is useful for assessing potential health impacts for EAs: [http://www.hc-sc.gc.ca/ewh-semt/alt\\_formats/hecs-sesc/pdf/pubs/eval/environ\\_assess-eval/environ\\_assess-eval-eng.pdf](http://www.hc-sc.gc.ca/ewh-semt/alt_formats/hecs-sesc/pdf/pubs/eval/environ_assess-eval/environ_assess-eval-eng.pdf)

Please contact the undersigned at the coordinates provided should you have any questions.

Sincerely,

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

Rick Grabowecky,  
Regional Environmental Assessment Coordinator  
Health Canada, Manitoba-Saskatchewan Region  
Ph # 204-984-8318  
Fax # 204-983-5692  
E-mail: Rick.Grabowecky@hc-sc.gc.ca

cc: Stan Hnatiuk (Health Canada)  
Gregory Kaminski (Health Canada)





This page left blank intentionally



P.O. Box 815 • Winnipeg Manitoba Canada • R3C 2P4  
Telephone / N° de téléphone : (204) 360-4334 • Fax / N° de télécopieur : (204) 360-6131  
rkustra@hydro.mb.ca

---

2010 08 30

Ms. Tracey Braun, M. Sc.  
Director  
Environmental Assessment & Licensing Branch  
Manitoba Conservation  
Suite 160-123 Main Street  
Winnipeg MB R3C 1A5

Dear Ms. Braun:

**Pointe du Bois Spillway Replacement Project**

In response to your letter of August 3, 2010 please find enclosed the following documents:

- A response to the Provincial and Federal comments received on their review of the June 14, 2010 EAPF and June 2010 Draft Environmental Assessment Scoping Document;
- The Final Environmental Assessment Scoping Document highlighting the changes made as a result of the comments received; and
- The Final Environmental Assessment Scoping Document without the changes made in highlight.

Should you wish to discuss further, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ry - Kustra', written over the typed name.

R. Kustra  
Manager  
Major Projects Assessment & Licensing Department  
Power Projects Development Division  
Power Supply

JM/bgs/2010-0826.3

Enc.

c: Mr. Peter Boothroyd, CEAA

## **Manitoba Hydro Response to PAT and TAC Comments – August 30, 2010**

### **Pointe du Bois Spillway Replacement Project (the Project) – Draft Environmental Assessment Scoping Document (SD) - June 2010**

#### **Provincial**

##### Sustainable Resource and Policy Management Branch

Effects from the Project are not expected below Eight Foot Falls downstream of the Project location. The protected area identified by the Branch would not be affected by the Project because it is beyond the reach of project effects. As a result, no further studies are planned. The monitoring program that will be developed for the Project will confirm no effects on the protected area.

##### Air Quality – Pollution Prevention Branch

We presume comment intended was that there are no air quality concerns with the project; therefore, no comment.

##### Water Stewardship

Comment is noted for EIS completion and fish community and effects sections will contain information on small-bodied and juvenile fish.

##### Historic Resources Branch

Heritage Resource Impact assessments have been completed and filed with the Historic Resources Management Branch. Effects of the project on heritage resources will be addressed in the EIS. An Environmental Protection Plan will be developed that will describe protocols for managing any resources uncovered during construction activities.

##### Energy and Mines

Ongoing structural investigations indicate that the current spillway structure does not impose any immediate risk to public safety. The current facilities, however, do not meet the *Canadian Dam Association Dam Safety Guidelines 2007* with regard to spillway capacity, and thus the need and decision to construct new spillway facilities.

Since the initial planning study was completed in 2006, there has been a change in the economic climate and an increase in construction costs; therefore, Manitoba Hydro made the decision to proceed with spillway replacement only.

The current powerhouse will undergo maintenance and upgrade as necessary to maintain a safe operation. There are no current plans to replace the powerhouse. The Project will not change the generating capacity or load factor.

The hydraulic regime at Pointe du Bois will not change from the historical norms as a result of the project.

#### Infrastructure and Transportation

No response

#### **Federal**

##### Project Description

The EIS will contain a detailed Project Description section. As well, Manitoba Hydro will provide additional information to the CEA Agency so that DFO can determine which sections of the *Fisheries Act* will be triggered.

##### General Comments

- 1) The intent is to incorporate Aboriginal traditional knowledge in the assessment and EIS to the extent it is made available to us. We are attempting to seek information from Aboriginal people and communities that use the Pointe du Bois area. Our initial contact has been through Chief and Council and the MMF Home Office. Reference to Aboriginal peoples in the SD will be changed to Aboriginal groups.
- 2) Information that is received will be kept separate and distinct and will only be used with the consent of the source from which it was obtained, as per agreements that are being developed with the Aboriginal groups.
- 3) The methodology for determining VECs for the Rebuild Project was discussed with PAT in July 2008. Essentially, we started with a comprehensive VEC list from a Public Works Government Services Canada Environmental Assessment Screening Guide and narrowed the list down to appropriate project VECs by considering project effects, stakeholder issues, professional judgement and specialist advice. That methodology will also be used to determine VECs for the Spillway Replacement Project. Full details will be contained in the EIS and a Draft of the EIS will be discussed with PAT prior to finalization.
- 4) Information from consultations with Aboriginal groups, the general public, and regulators will be considered and used in refining the VECs to be used for the assessment.
- 5) Direct communication by letter and meetings with Aboriginal groups, and others, is intended throughout project implementation.

## Specific Comments

- 1) There are no current plans to replace the powerhouse.
- 2) Blasting will be added to the schedule of activities in section 5.1 of the SD. New spillway operation, which will include water elevations and discharges, will be contained in the EIS.
- 3) The EIS will detail alternatives considered for the project and alternative means of implementing the project. Monitoring and Follow-up is addressed in section 9.0 of the SD.
- 4) Section 6.0 of the SD indicates that the definitions from CEAA for 'environment' and 'environmental effect' will be used in the assessment and EIS. These definitions include consideration of the human environment. Potential effects on humans will be considered, assessed and mitigated as required.
- 5) The water regime as a result of the Project will be the same as historical norms and the EIS will not address the Winnipeg River system operations. The EIS will describe the water regime in the Winnipeg River from Lamprey Rapids to Slave Falls.
- 6) The EIS will address impacts to all fish species in the study area, with a focus on lake sturgeon, walleye and northern pike. This will include addressing the life stages of individual species that have the potential to be impacted. The scope of the assessment is based on the changes the project will have to the existing environment. Existing fish movement within, into and out of the reach between Pointe du Bois and Slave Falls will be assessed. The assessment will also look at the potential changes the project will have on downstream movements through the spillway. Existing impacts of the lack of upstream migration is not within the scope of the assessment.
- 7) Section 4.0 of the SD will be amended to incorporate the broader statement on Aboriginal resource use.
- 8) MH is relying on traditional knowledge information from Aboriginal groups to identify cultural sites of importance.
- 9) Navigation is addressed in section 8.0 of the SD and that section of the SD will be expanded to address the various requested topics.
- 10) Human health effects will be considered and assessed in the assessment. The methodology for determining VECs for the Rebuild Project was discussed with PAT in July 2008. That methodology will also be used to determine VECs for the Spillway Replacement Project. Details, as mentioned in item 3) General above, will be contained in the EIS and a draft of the EIS will be discussed with PAT prior to finalization.
- 11) 'Operation' will be changed to 'operation and maintenance' in the SD.



**POINTE DU BOIS  
SPILLWAY REPLACEMENT PROJECT**

**ENVIRONMENTAL ASSESSMENT  
SCOPING DOCUMENT**

**Submitted By  
Manitoba Hydro**

**August 2010**

# Table of Contents

	Page No.
<b>1.0 INTRODUCTION .....</b>	<b>1</b>
1.1 Purpose of Scoping Document .....	1
1.2 Background and Need for the Project .....	1
<b>2.0 REGULATORY FRAMEWORK .....</b>	<b>1</b>
<b>3.0 ENVIRONMENTAL ASSESSMENT CONSULTATION AND COMMUNICATION .....</b>	<b>2</b>
<b>4.0 ABORIGINAL AND LOCAL KNOWLEDGE .....</b>	<b>3</b>
<b>5.0 PROJECT DESCRIPTION .....</b>	<b>3</b>
5.1 Scope of Project .....	3
<b>6.0 SCOPE OF ASSESSMENT .....</b>	<b>4</b>
6.1 Factors to be Addressed in the Assessment .....	4
<b>7.0 EXISTING ENVIRONMENTAL SETTING .....</b>	<b>5</b>
7.1 Study Area .....	5
7.2 Physical Environment .....	5
7.2.1 Climate/General Environment .....	5
7.2.2 Water Regime .....	5
7.2.3 Physiography and Landscape .....	5
7.2.3 Erosion and Sedimentation .....	6
7.3 Aquatic Environment .....	6
7.3.1 Water and Sediment Quality .....	6
7.3.2 Lower Trophic Levels .....	6
7.3.3 Fish Communities and Fish Habitat .....	6
7.4 Terrestrial Environment .....	6
7.4.1 Vegetation and Terrestrial Habitat .....	6
7.4.2 Invertebrates .....	7
7.4.3 Amphibians and Reptiles .....	7
7.4.4 Birds .....	7
7.4.5 Mammals .....	7
7.5 Socio-Economic Environment .....	7
7.5.1 Economy .....	7
7.5.2 Property Ownership .....	7
7.5.3 Infrastructure and Services .....	7
7.5.4 Personal, Family and Community Life .....	8
7.5.5 Aboriginal Resource Use .....	8

7.5.6	Commercial Resource Use.....	8
7.5.7	Recreational Resource Use and Tourism .....	8
7.5.8	Heritage Resources .....	8
<b>8.0</b>	<b>EFFECTS ASSESSMENT APPROACH .....</b>	<b>9</b>
8.1	Effects Assessment Principles and Objectives.....	9
8.2	Effects Assessment Process .....	10
8.2.1	Mitigation, Compensation and Residual Effects.....	10
8.2.2	Determination of Significance.....	10
8.3	Cumulative Effects Assessment.....	11
8.4	Sustainability Assessment .....	11
<b>9.0</b>	<b>MONITORING AND FOLLOW-UP .....</b>	<b>11</b>
<b>10.0</b>	<b>REPORT FORMAT .....</b>	<b>12</b>

## **1.0 Introduction**

### **1.1 Purpose of Scoping Document**

The purpose of this Scoping Document is to provide information related to the scoping of the environmental assessment for the Pointe du Bois Spillway Replacement Project (the Project). The Project will consist of constructing new spillways, earth and concrete dams, associated infrastructure for construction and decommissioning of the existing spillway.

The Scoping Document for the Project has been developed with consideration of recent approval, licencing, and guidance matters related to the following:

- The Scoping Document for the Pointe du Bois Modernization Project (i.e. the rebuild alternative);
- Wuskwatim Generating Station;
- CEAA guidance given for two recent hydroelectric projects (i.e. Elizabeth Falls Hydroelectric Project and Lower Mattagami Hydroelectric Complex Redevelopment);
- The importance and need to include the use of Aboriginal and local knowledge and public and stakeholder views in the assessment process; and
- Issues identified during initial pre-commitment public consultations in early 2007, environmental assessment consultations in the fall of 2007 on the Pointe du Bois rebuild alternative, and ongoing interaction with stakeholders.

### **1.2 Background and Need for the Project**

The Pointe du Bois Generating Station, having first produced power in 1911, is the oldest hydroelectric plant operating in Manitoba. In 2002, Manitoba Hydro acquired the generating station as part of its purchase of Winnipeg Hydro. Despite extensive repairs and upgrades that have been conducted over the years, the spillway facilities at Pointe du Bois now require replacement in order to maintain public and dam safety, and provide a modern and safer working environment for staff.

Accordingly, Manitoba Hydro has decided to construct new spillways and new concrete and earth dams at the present site. The existing spillway will be decommissioned. With these improvements, modern dam safety guidelines will be addressed.

The existing powerhouse will continue to be maintained and operated. The operation and maintenance of the powerhouse is not within the scope of the Spillway Replacement Project.

## **2.0 Regulatory Framework**

It is Manitoba Hydro's view that the Project constitutes a Class 2 Development as major modifications to an existing electric generation station as defined by the

Classes of Development Regulation under the Manitoba *Environment Act* (MEA). With respect to the *Canadian Environmental Assessment Act* (CEAA), it is Manitoba Hydro's view that a screening review will be required. It is also Manitoba Hydro's understanding that the filing of an Environment Act Proposal Form (EAPF) under the MEA initiates the formal regulatory review process.

Manitoba Hydro anticipates that the Project will be reviewed under the provisions of the *March 2007 Canada/Manitoba Agreement on Environmental Assessment Cooperation*, and Manitoba Hydro would welcome such a cooperative process. Pursuant to that Agreement, it is expected that a Project Administration Team (PAT) and a 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).

The EIS will outline other regulatory and legislative approvals required for Project implementation.

### 3.0 Environmental Assessment Consultation and Communication

Consultation and communication is an essential part of the planning and assessment process for the Project. The environmental assessment consultation and communication program (consultation program<sup>1</sup>) for the Project involves Aboriginal groups, local residents, other stakeholders, government departments and agencies, municipalities and the general public.

The overall objective of the consultation program is to provide information on the Project and to create meaningful opportunities to receive information and views on the Project. The consultation program aims to achieve the following:

- Provide opportunities for the early involvement of Aboriginal groups, local residents, the public, and other stakeholders in the process in order to ensure their involvement throughout the process;
- Effectively use a variety of mechanisms to provide information, receive feedback, and engage in a meaningful dialogue with stakeholders;
- Demonstrate an adaptive approach so that the consultation process can be adjusted in response to stakeholder issues and concerns;
- Effectively use the information received through the consultation process to avoid or minimize any negative Project effects and maximize Project benefits; and
- Communicate to stakeholders how the information they provided was used.

The consultation program consists of update letters, meetings with Aboriginal groups and stakeholders, and open houses. In addition, meetings with PAT and TAC will be held to present information on the Draft EIS.

---

<sup>1</sup> The consultation program in this scoping document does not include consultation pursuant to section 35 of *The Constitution Act*.

## 4.0 Aboriginal and Local Knowledge

Aboriginal and local knowledge are valuable sources of information for the environmental assessment. Efforts will be made to obtain information on the current use of lands and resources for traditional purposes by Aboriginal groups for incorporation into the environmental assessment of the Project. A protocol for utilizing Aboriginal knowledge will be established with the providers of the information prior to incorporation into the EIS or any other public document.

## 5.0 Project Description

### 5.1 Scope of Project

Note: The following description outlines the current concept for the new spillways, concrete and earth dams. As final engineering and consultation proceeds, the components of the final development will be defined and provided for review.

The Project comprises constructing a new primary spillway, a new secondary spillway, concrete and earth dams at the present site, and decommissioning of the existing spillway.

An aerial view of the preliminary Pointe du Bois Spillway Replacement general arrangement is attached.

The Project includes the following major components:

- A new primary spillway immediately downstream of the existing rockfill dam on the east side of the Winnipeg River;
- A new secondary spillway west of the primary spillway;
- New concrete and earthfill dams;
- Stability measures for the existing east and west gravity dams; and
- Decommissioning of the existing spillway structure.

Associated infrastructure with the Project includes:

- On-site contractor facilities;
- A concrete batch plant;
- Storage areas and offices;
- Water and wastewater management;
- Earthfill material source areas (borrow areas) and rock disposal areas;
- Cottage access roadways; and
- Construction access including barge, winter roads and land access across the spillway shelf.

The EIS will describe the Project and use appropriate figures, maps and/or orthophotos to complement the text. The following information will be included:

- Location of the existing generating station, spillway and associated facilities;
- Location of the new spillways and associated facilities;
- Location of staging areas for construction;
- Location of borrow and rock disposal areas;
- Outline of roadways and access routes to be used during pre-construction, construction and operation stages of the Project;
- Anticipated traffic types and volumes;
- Location of on-site contractor facilities;
- Schedule of all construction activities including:
  - Contractor mobilization and demobilization activities;
  - Construction of new buildings and supporting infrastructure;
  - **Blasting activities**;
  - Composition, duration, dewatering and removal of cofferdams;
  - Civil, mechanical, and electrical activities associated with the new spillway; and
  - Decommissioning of existing structures;
- General cost estimates and funding;
- New spillway operation;
- Size and composition of the workforce during construction activities and operation;
- Health and safety programs and measures;
- Plans for decommissioning the existing spillway;
- Plans for decommissioning any temporary infrastructure or facilities;
- Plans to address accidents and malfunctions; and
- Wastes generated by the Project and how waste will be managed and disposed of.

## 6.0 Scope of Assessment

The scope of the assessment will address the requirements of a Class 2 Development pursuant to the *Environment Act* (Manitoba) and the requirements of a screening pursuant to the *Canadian Environmental Assessment Act*. For the purpose of the assessment the definitions of “environment” and “environmental effect” from the Canadian Environmental Assessment Act will be used (the definition of “environment” is broader in the federal act, and the provincial act does not include a definition of environmental effect).

### 6.1 Factors to be Addressed in the Assessment

The following factors will be addressed in the environmental assessment:

- The **need and purpose** of the Project;
- **Alternatives considered**;
- Alternative means of carrying out the Project that are technically and economically feasible;



- The environmental effects of the Project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;
- Comments from Aboriginal groups and stakeholders that are received through the consultation process;
- Mitigation measures that are technically and economically feasible for any significant adverse environmental effects of the project; and
- The significance of any residual adverse environmental effects.

## **7.0 Existing Environmental Setting**

Physical, biological and socio-economic studies and activities will be undertaken to describe the physical, biological, and socio-economic components of the existing environment, as related to the current facilities.

### **7.1 Study Area**

Base study areas will be defined for the physical, biological, and socio-economic components. The study areas will vary depending on the specific study activity being reviewed. (e.g. the study area for the terrestrial study activity will include borrow areas that may be remote from the base study area).

### **7.2 Physical Environment**

#### **7.2.1 Climate/General Environment**

The EIS will provide information on the following:

- Temperatures and dates of freeze and thaw;
- Precipitation and snow cover;
- Wind velocity;
- Climate change (including both the effects of the project on climate change and effects of climate change on the project);
- Local air quality; and
- Ambient noise.

#### **7.2.2 Water Regime**

The EIS will provide information on the following:

- Hydrological regime at the Pointe du Bois site;
- Ice conditions; and
- Woody debris accumulation and deposit.

#### **7.2.3 Physiography and Landscape**

The EIS will provide information on the following:

- Topography;
- Geology and geologic deposits that may be used for the Project;
- Terrestrial soils; and
- Groundwater conditions.

### **7.2.3 Erosion and Sedimentation**

The EIS will provide information on the following:

- Erosion; and
- Sedimentation.

## **7.3 Aquatic Environment**

### **7.3.1 Water and Sediment Quality**

The EIS will provide information on the following:

- Water quality (both in the vicinity of the project site and over the broader Study Area); and
- Sediment quality (both in the immediate vicinity of the project site and over the broader Study Area) with emphasis on metals, metalloids and organics.

### **7.3.2 Lower Trophic Levels**

The EIS will provide information on the following:

- Algae, floating and rooted aquatic plants, zooplankton, and benthic and drifting invertebrates; and
- The inter-relationship of lower and higher trophic levels.

### **7.3.3 Fish Communities and Fish Habitat**

The EIS will provide information on the following:

- Abundance and diversity of fish populations, with focus on lake sturgeon, walleye and northern pike;
- Fish habitat use by individual species, with focus on lake sturgeon, walleye and northern pike that frequent the Study Area;
- Fish movement, with focus on lake sturgeon, walleye and northern pike;
- Mercury levels in fish; and
- Threatened and endangered species.

## **7.4 Terrestrial Environment**

### **7.4.1 Vegetation and Terrestrial Habitat**

The EIS will provide information on the following:

- Abundance, diversity and habitats of terrestrial and semi-aquatic vegetation; and
- Threatened and endangered communities/habitats.

## **7.4.2 Invertebrates**

The EIS will provide general information on the following:

- Habitat use;
- Invertebrates species composition and distribution; and
- Threatened and endangered species.

## **7.4.3 Amphibians and Reptiles**

The EIS will provide information on the following:

- Abundance, diversity and habitats of amphibians and reptiles; and
- Threatened and endangered species.

## **7.4.4 Birds**

The EIS will provide information on the following:

- Migratory and breeding birds abundance, diversity and habitats;
- Nesting sites of colonial nesters and raptors; and
- Threatened and endangered species.

## **7.4.5 Mammals**

The EIS will provide information on the following:

- Abundance, diversity and habitats of mammal populations; and
- Threatened and endangered species.

## **7.5 Socio-Economic Environment**

### **7.5.1 Economy**

The EIS will provide information on the following:

- Labour force characteristics including education, business/economic sectors, employment and unemployment, participation rates, and income levels; and
- Profile of economic sectors within the Study Area including commercial resource use.

### **7.5.2 Property Ownership**

The EIS will provide information on the following:

- Property ownership and land tenure, land/resource and water use, and land use and development controls.

### **7.5.3 Infrastructure and Services**

The EIS will provide information on the following:

- Roads and highways, community facilities and other services.

#### **7.5.4 Personal, Family and Community Life**

The EIS will provide information on the following:

- Population characteristics, with an emphasis on demographics and health status of potentially affected communities and the region in general; and
- Way of life, community cohesion, culture and spirituality.

#### **7.5.5 Aboriginal Resource Use**

The EIS will provide information on the following:

- Existing Aboriginal harvesting, including hunting, fishing, trapping, and gathering.

#### **7.5.6 Commercial Resource Use**

The EIS will provide information on the following:

- Trapping;
- Fishing;
- Guiding and outfitting;
- Harvesting of wild rice;
- Mining;
- Forestry; and
- Hydro-electric generation.

#### **7.5.7 Recreational Resource Use and Tourism**

The EIS will provide information on the following:

- Hunting;
- Fishing;
- Gathering;
- Lodges and associated facilities;
- Cottage developments;
- Campgrounds;
- Recreational operations;
- Outdoor recreation activities; and
- Tourism and eco-tourism opportunities.

#### **7.5.8 Heritage Resources**

The EIS will provide information on the following:

- Historical-cultural characterization;
- Archaeological and culturally important sites;
- Known burial sites; and
- Past and present traditional land use and occupancy.

## 8.0 Effects Assessment Approach

### 8.1 Effects Assessment Principles and Objectives

The overall effects assessment approach will consider scientific study and analysis, Aboriginal knowledge, local knowledge and stakeholder perspectives, issues and concerns.

The effects assessment approach will embrace the following principles:

- That an understanding is required of the existing physical, biological, and socio-economic environments in the study area;
- That an understanding is required of the Project and the potential interactions between the Project and the environment;
- That Aboriginal knowledge, local knowledge, and scientific analysis all contribute to gaining an understanding of the existing environment and how the existing environment may be affected by the Project;
- That an understanding is required of how other past and potential future human activities have and continue to affect the environment and how these activities may interact with the Project;
- That Project effects will need to be viewed from the perspective of a variety of stakeholders;
- That stakeholder perspectives will be sought through consultation;
- That adverse effects will be avoided, mitigated or compensated and positive effects will be maximized, to the extent these measures are practicable; and
- That follow-up monitoring is required.

The effects assessment approach is designed to describe and address potential Project effects on the physical, biological, and socio-economic environments for use in the preparation of the EIS for the Project.

The main objectives of the effects assessment for the Project are as follows:

- Assist in the planning and design of the Project by identifying and assessing potential environmental effects and mitigation options to avoid or minimize adverse effects and maximize positive effects to the degree practicable;
- Address concerns and issues identified by Aboriginal groups, local residents, and other stakeholders with respect to the Project; and
- Provide sufficient information to prepare an EIS for consideration by regulators to exercise their legislated mandate.

The effects assessment will consider the existing environment without the Project, as the baseline condition against which changes caused by the Project will be assessed and measured.

Potential effects of the Project will also be considered in terms of sustainability as outlined in section 8.4 of this Scoping Document.

## 8.2 Effects Assessment Process

The effects assessment will include the following steps:

- The Project and the existing environment will be described;
- Interactions between the Project and the environment will be identified and assessed;
- Aboriginal and local knowledge will be considered;
- Potential environmental effects of the Project will be identified;
- A selected list of appropriate valued environmental components (VECs) will be determined for the study area(s). These VECs will be used to provide a focus to the assessment and to the evaluation of the significance of the potential environmental effects of the Project;
- Technically and economically feasible measures to mitigate adverse effects or compensation measures will be identified, as will measures to enhance positive effects; and
- The significance of residual adverse effects will be determined.

Using this process, the EIS will describe and assess the potential effects of the Project and associated infrastructure on the physical, biological, and socio-economic environments for each phase of the Project – construction, operation and maintenance and decommissioning.

### 8.2.1 Mitigation, Compensation and Residual Effects

The EIS will describe any mitigation measures or effect management proposed to be implemented during the construction, operation and decommissioning phases of the Project, including any need for fish habitat compensation, and measures to ensure navigability and the protection of navigation safety during construction, operation and maintenance and decommissioning of the Project. Feasible measures to enhance the potential benefits associated with the construction and operation and maintenance of the Project will also be detailed.

The EIS will identify any residual Project effects expected to remain after mitigation and/or compensation measures have been implemented.

### 8.2.2 Determination of Significance

The EIS will outline the framework to be used in the evaluation of the significance of residual adverse effects by using the following criteria:

- Nature of the effect;
- Geographic extent of the effect;
- Magnitude of the effect;
- Duration of the effect;
- Timing of the effect;

- Frequency of the effect;
- Reversibility of the effect; and
- Confidence in the prediction of the effect.

Characterization of the significance of the residual adverse effects will consider scientific study and analysis, Aboriginal knowledge, and local knowledge, and will relate to all phases of the Project - construction, operation, and decommissioning.

### **8.3 Cumulative Effects Assessment**

In addition to describing the direct effects of the Project, the EIS will also include an assessment of cumulative effects. The cumulative effects assessment (CEA) will include a consideration of the potential for Project effects to act in combination with the effects of other past, present and/or reasonably foreseeable future projects in the study area (to be defined for the CEA). The EIS will outline the approach and methods for the CEA, and will include a description of the spatial and temporal boundaries used in the assessment. Guidance documents such as the Operational Policy Statement *Addressing Cumulative Environmental Effects Under the Canadian Environment Assessment Act* and the *Cumulative Effects Practitioners Guide* will be used to formulate the CEA process.

### **8.4 Sustainability Assessment**

Manitoba Hydro has Corporate Environmental and Sustainable Development Policies in order to help link its responsibilities both for the supply of energy to the Manitoba economy and for the protection of the environment and human health. Manitoba Hydro will incorporate its principles of sustainable development in all of its activities associated with the planning, development, operation and maintenance of the Project.

The EIS for the Project will address and incorporate the Principles and Guidelines of Sustainable Development as contained in *The Sustainable Development Act* (Manitoba).

### **9.0 Monitoring and Follow-up**

The EIS will provide details of, and commit Manitoba Hydro to, a monitoring and follow-up program extending through the construction, operation and decommissioning phases of the Project. The monitoring and follow-up program will incorporate the following:

- Identification of proposed methods to avoid and mitigate adverse environmental effects, including summaries of potential environmental sensitivities and mitigation actions;
- Emergency response plans developed in consultation with local authorities;

- Environmental protection plans for construction, operation and decommissioning;
- Monitoring plans and reporting protocols;
- Closure plans for borrow areas, including mitigation of potential hazards to public safety;
- Information on waste management practices to be utilized during all phases of the Project;
- Documentation of EIS commitments;
- An implementation plan for the EIS commitments; and
- A commitment to mitigate environmental effects throughout the full life-cycle of the Project. Field construction and operating personnel will be provided clear instructions on the mitigation measures to be implemented and on the lines of communication to be followed.

Where appropriate, monitoring of the physical, biological, and socio-economic effects on local, Aboriginal groups, or other affected communities will be conducted during the construction, operation and maintenance and decommissioning phases of the Project. The monitoring program is intended to confirm impact predictions related to anticipated effects and to determine whether unexpected effects are occurring.

A compliance monitoring program for the construction, operation and maintenance and decommissioning phases of the Project will be provided. The monitoring program will describe parameters to be monitored, methodologies and time frames.

As part of the process of follow-up and monitoring, the principles of adaptive management will apply. The EIS will describe a process that will be implemented in the event that it is determined that the Project is having unexpected adverse effects or if mitigation measures are proving to be ineffective.

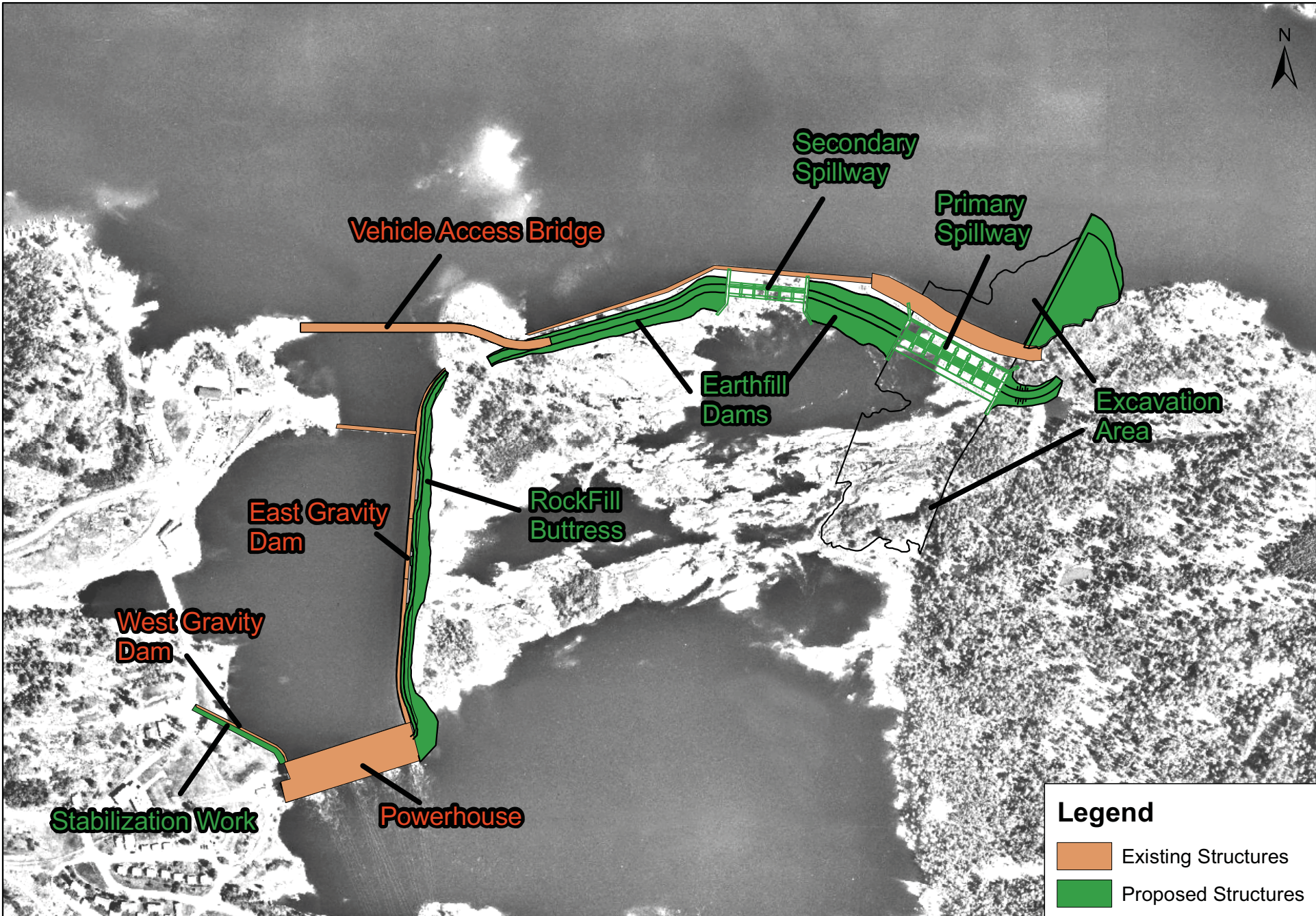
## 10.0 Report Format

The EIS for the Project will be written with a minimum of technical terminology and will include a glossary of terms used throughout the document. An executive summary for the EIS will be provided.

The EIS will utilize maps, charts, diagrams and photographs as appropriate for presentation. To the extent possible, maps and diagrams will be presented at a common scale so that these may be overlaid for ease of reference.



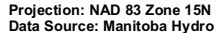
Supporting scientific, local and available Aboriginal information will be contained in reference appendices to the EIS.





**Legend**

- Existing Structures
- Proposed Structures

   **Pointe du Bois Spillway Replacement Project Preliminary General Arrangement**

**POINTE DU BOIS  
SPILLWAY REPLACEMENT PROJECT**

**ENVIRONMENTAL ASSESSMENT  
SCOPING DOCUMENT**

**Submitted By  
Manitoba Hydro**

**August 2010**

# Table of Contents

	Page No.
<b>1.0 INTRODUCTION .....</b>	<b>1</b>
1.1 Purpose of Scoping Document .....	1
1.2 Background and Need for the Project .....	1
<b>2.0 REGULATORY FRAMEWORK .....</b>	<b>1</b>
<b>3.0 ENVIRONMENTAL ASSESSMENT CONSULTATION AND COMMUNICATION .....</b>	<b>2</b>
<b>4.0 ABORIGINAL AND LOCAL KNOWLEDGE .....</b>	<b>3</b>
<b>5.0 PROJECT DESCRIPTION .....</b>	<b>3</b>
5.1 Scope of Project .....	3
<b>6.0 SCOPE OF ASSESSMENT .....</b>	<b>4</b>
6.1 Factors to be Addressed in the Assessment .....	4
<b>7.0 EXISTING ENVIRONMENTAL SETTING .....</b>	<b>5</b>
7.1 Study Area .....	5
7.2 Physical Environment .....	5
7.2.1 Climate/General Environment .....	5
7.2.2 Water Regime .....	5
7.2.3 Physiography and Landscape .....	5
7.2.3 Erosion and Sedimentation .....	6
7.3 Aquatic Environment .....	6
7.3.1 Water and Sediment Quality .....	6
7.3.2 Lower Trophic Levels .....	6
7.3.3 Fish Communities and Fish Habitat .....	6
7.4 Terrestrial Environment .....	6
7.4.1 Vegetation and Terrestrial Habitat .....	6
7.4.2 Invertebrates .....	7
7.4.3 Amphibians and Reptiles .....	7
7.4.4 Birds .....	7
7.4.5 Mammals .....	7
7.5 Socio-Economic Environment .....	7
7.5.1 Economy .....	7
7.5.2 Property Ownership .....	7
7.5.3 Infrastructure and Services .....	7
7.5.4 Personal, Family and Community Life .....	8
7.5.5 Aboriginal Resource Use .....	8



7.5.6	Commercial Resource Use.....	8
7.5.7	Recreational Resource Use and Tourism .....	8
7.5.8	Heritage Resources .....	8
<b>8.0</b>	<b>EFFECTS ASSESSMENT APPROACH .....</b>	<b>9</b>
8.1	Effects Assessment Principles and Objectives.....	9
8.2	Effects Assessment Process .....	10
8.2.1	Mitigation, Compensation and Residual Effects.....	10
8.2.2	Determination of Significance.....	10
8.3	Cumulative Effects Assessment.....	11
8.4	Sustainability Assessment .....	11
<b>9.0</b>	<b>MONITORING AND FOLLOW-UP .....</b>	<b>11</b>
<b>10.0</b>	<b>REPORT FORMAT .....</b>	<b>12</b>

## **1.0 Introduction**

### **1.1 Purpose of Scoping Document**

The purpose of this Scoping Document is to provide information related to the scoping of the environmental assessment for the Pointe du Bois Spillway Replacement Project (the Project). The Project will consist of constructing new spillways, earth and concrete dams, associated infrastructure for construction and decommissioning of the existing spillway.

The Scoping Document for the Project has been developed with consideration of recent approval, licencing, and guidance matters related to the following:

- The Scoping Document for the Pointe du Bois Modernization Project (i.e. the rebuild alternative);
- Wuskwatim Generating Station;
- CEAA guidance given for two recent hydroelectric projects (i.e. Elizabeth Falls Hydroelectric Project and Lower Mattagami Hydroelectric Complex Redevelopment);
- The importance and need to include the use of Aboriginal and local knowledge and public and stakeholder views in the assessment process; and
- Issues identified during initial pre-commitment public consultations in early 2007, environmental assessment consultations in the fall of 2007 on the Pointe du Bois rebuild alternative, and ongoing interaction with stakeholders.

### **1.2 Background and Need for the Project**

The Pointe du Bois Generating Station, having first produced power in 1911, is the oldest hydroelectric plant operating in Manitoba. In 2002, Manitoba Hydro acquired the generating station as part of its purchase of Winnipeg Hydro. Despite extensive repairs and upgrades that have been conducted over the years, the spillway facilities at Pointe du Bois now require replacement in order to maintain public and dam safety, and provide a modern and safer working environment for staff.

Accordingly, Manitoba Hydro has decided to construct new spillways and new concrete and earth dams at the present site. The existing spillway will be decommissioned. With these improvements, modern dam safety guidelines will be addressed.

The existing powerhouse will continue to be maintained and operated. The operation and maintenance of the powerhouse is not within the scope of the Spillway Replacement Project.

## **2.0 Regulatory Framework**

It is Manitoba Hydro's view that the Project constitutes a Class 2 Development as major modifications to an existing electric generation station as defined by the

Classes of Development Regulation under the Manitoba *Environment Act* (MEA). With respect to the *Canadian Environmental Assessment Act* (CEAA), it is Manitoba Hydro's view that a screening review will be required. It is also Manitoba Hydro's understanding that the filing of an Environment Act Proposal Form (EAPF) under the MEA initiates the formal regulatory review process.

Manitoba Hydro anticipates that the Project will be reviewed under the provisions of the *March 2007 Canada/Manitoba Agreement on Environmental Assessment Cooperation*, and Manitoba Hydro would welcome such a cooperative process. Pursuant to that Agreement, it is expected that a Project Administration Team (PAT) and a 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).

The EIS will outline other regulatory and legislative approvals required for Project implementation.

### **3.0 Environmental Assessment Consultation and Communication**

Consultation and communication is an essential part of the planning and assessment process for the Project. The environmental assessment consultation and communication program (consultation program<sup>1</sup>) for the Project involves Aboriginal groups, local residents, other stakeholders, government departments and agencies, municipalities and the general public.

The overall objective of the consultation program is to provide information on the Project and to create meaningful opportunities to receive information and views on the Project. The consultation program aims to achieve the following:

- Provide opportunities for the early involvement of Aboriginal groups, local residents, the public, and other stakeholders in the process in order to ensure their involvement throughout the process;
- Effectively use a variety of mechanisms to provide information, receive feedback, and engage in a meaningful dialogue with stakeholders;
- Demonstrate an adaptive approach so that the consultation process can be adjusted in response to stakeholder issues and concerns;
- Effectively use the information received through the consultation process to avoid or minimize any negative Project effects and maximize Project benefits; and
- Communicate to stakeholders how the information they provided was used.

The consultation program consists of update letters, meetings with Aboriginal groups and stakeholders, and open houses. In addition, meetings with PAT and TAC will be held to present information on the Draft EIS.

---

<sup>1</sup> The consultation program in this scoping document does not include consultation pursuant to section 35 of *The Constitution Act*.

## 4.0 Aboriginal and Local Knowledge

Aboriginal and local knowledge are valuable sources of information for the environmental assessment. Efforts will be made to obtain information on the current use of lands and resources for traditional purposes by Aboriginal groups for incorporation into the environmental assessment of the Project. A protocol for utilizing Aboriginal knowledge will be established with the providers of the information prior to incorporation into the EIS or any other public document.

## 5.0 Project Description

### 5.1 Scope of Project

Note: The following description outlines the current concept for the new spillways, concrete and earth dams. As final engineering and consultation proceeds, the components of the final development will be defined and provided for review.

The Project comprises constructing a new primary spillway, a new secondary spillway, concrete and earth dams at the present site, and decommissioning of the existing spillway.

An aerial view of the preliminary Pointe du Bois Spillway Replacement general arrangement is attached.

The Project includes the following major components:

- A new primary spillway immediately downstream of the existing rockfill dam on the east side of the Winnipeg River;
- A new secondary spillway west of the primary spillway;
- New concrete and earthfill dams;
- Stability measures for the existing east and west gravity dams; and
- Decommissioning of the existing spillway structure.

Associated infrastructure with the Project includes:

- On-site contractor facilities;
- A concrete batch plant;
- Storage areas and offices;
- Water and wastewater management;
- Earthfill material source areas (borrow areas) and rock disposal areas;
- Cottage access roadways; and
- Construction access including barge, winter roads and land access across the spillway shelf.

The EIS will describe the Project and use appropriate figures, maps and/or orthophotos to complement the text. The following information will be included:

- Location of the existing generating station, spillway and associated facilities;
- Location of the new spillways and associated facilities;
- Location of staging areas for construction;
- Location of borrow and rock disposal areas;
- Outline of roadways and access routes to be used during pre-construction, construction and operation stages of the Project;
- Anticipated traffic types and volumes;
- Location of on-site contractor facilities;
- Schedule of all construction activities including:
  - Contractor mobilization and demobilization activities;
  - Construction of new buildings and supporting infrastructure;
  - Blasting activities;
  - Composition, duration, dewatering and removal of cofferdams;
  - Civil, mechanical, and electrical activities associated with the new spillway; and
  - Decommissioning of existing structures;
- General cost estimates and funding;
- New spillway operation;
- Size and composition of the workforce during construction activities and operation;
- Health and safety programs and measures;
- Plans for decommissioning the existing spillway;
- Plans for decommissioning any temporary infrastructure or facilities;
- Plans to address accidents and malfunctions; and
- Wastes generated by the Project and how waste will be managed and disposed of.

## 6.0 Scope of Assessment

The scope of the assessment will address the requirements of a Class 2 Development pursuant to the *Environment Act* (Manitoba) and the requirements of a screening pursuant to the *Canadian Environmental Assessment Act*. For the purpose of the assessment the definitions of “environment” and “environmental effect” from the Canadian Environmental Assessment Act will be used (the definition of “environment” is broader in the federal act, and the provincial act does not include a definition of environmental effect).

### 6.1 Factors to be Addressed in the Assessment

The following factors will be addressed in the environmental assessment:

- The need and purpose of the Project;
- Alternatives considered;
- Alternative means of carrying out the Project that are technically and economically feasible;



- The environmental effects of the Project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;
- Comments from Aboriginal groups and stakeholders that are received through the consultation process;
- Mitigation measures that are technically and economically feasible for any significant adverse environmental effects of the project; and
- The significance of any residual adverse environmental effects.

## **7.0 Existing Environmental Setting**

Physical, biological and socio-economic studies and activities will be undertaken to describe the physical, biological, and socio-economic components of the existing environment, as related to the current facilities.

### **7.1 Study Area**

Base study areas will be defined for the physical, biological, and socio-economic components. The study areas will vary depending on the specific study activity being reviewed. (e.g. the study area for the terrestrial study activity will include borrow areas that may be remote from the base study area).

### **7.2 Physical Environment**

#### **7.2.1 Climate/General Environment**

The EIS will provide information on the following:

- Temperatures and dates of freeze and thaw;
- Precipitation and snow cover;
- Wind velocity;
- Climate change (including both the effects of the project on climate change and effects of climate change on the project);
- Local air quality; and
- Ambient noise.

#### **7.2.2 Water Regime**

The EIS will provide information on the following:

- Hydrological regime at the Pointe du Bois site;
- Ice conditions; and
- Woody debris accumulation and deposit.

#### **7.2.3 Physiography and Landscape**

The EIS will provide information on the following:

- Topography;
- Geology and geologic deposits that may be used for the Project;
- Terrestrial soils; and
- Groundwater conditions.

### **7.2.3 Erosion and Sedimentation**

The EIS will provide information on the following:

- Erosion; and
- Sedimentation.

## **7.3 Aquatic Environment**

### **7.3.1 Water and Sediment Quality**

The EIS will provide information on the following:

- Water quality (both in the vicinity of the project site and over the broader Study Area); and
- Sediment quality (both in the immediate vicinity of the project site and over the broader Study Area) with emphasis on metals, metalloids and organics.

### **7.3.2 Lower Trophic Levels**

The EIS will provide information on the following:

- Algae, floating and rooted aquatic plants, zooplankton, and benthic and drifting invertebrates; and
- The inter-relationship of lower and higher trophic levels.

### **7.3.3 Fish Communities and Fish Habitat**

The EIS will provide information on the following:

- Abundance and diversity of fish populations, with focus on lake sturgeon, walleye and northern pike;
- Fish habitat use by individual species, with focus on lake sturgeon, walleye and northern pike that frequent the Study Area;
- Fish movement, with focus on lake sturgeon, walleye and northern pike;
- Mercury levels in fish; and
- Threatened and endangered species.

## **7.4 Terrestrial Environment**

### **7.4.1 Vegetation and Terrestrial Habitat**

The EIS will provide information on the following:

- Abundance, diversity and habitats of terrestrial and semi-aquatic vegetation; and
- Threatened and endangered communities/habitats.

## **7.4.2 Invertebrates**

The EIS will provide general information on the following:

- Habitat use;
- Invertebrates species composition and distribution; and
- Threatened and endangered species.

## **7.4.3 Amphibians and Reptiles**

The EIS will provide information on the following:

- Abundance, diversity and habitats of amphibians and reptiles; and
- Threatened and endangered species.

## **7.4.4 Birds**

The EIS will provide information on the following:

- Migratory and breeding birds abundance, diversity and habitats;
- Nesting sites of colonial nesters and raptors; and
- Threatened and endangered species.

## **7.4.5 Mammals**

The EIS will provide information on the following:

- Abundance, diversity and habitats of mammal populations; and
- Threatened and endangered species.

## **7.5 Socio-Economic Environment**

### **7.5.1 Economy**

The EIS will provide information on the following:

- Labour force characteristics including education, business/economic sectors, employment and unemployment, participation rates, and income levels; and
- Profile of economic sectors within the Study Area including commercial resource use.

### **7.5.2 Property Ownership**

The EIS will provide information on the following:

- Property ownership and land tenure, land/resource and water use, and land use and development controls.

### **7.5.3 Infrastructure and Services**

The EIS will provide information on the following:

- Roads and highways, community facilities and other services.

#### **7.5.4 Personal, Family and Community Life**

The EIS will provide information on the following:

- Population characteristics, with an emphasis on demographics and health status of potentially affected communities and the region in general; and
- Way of life, community cohesion, culture and spirituality.

#### **7.5.5 Aboriginal Resource Use**

The EIS will provide information on the following:

- Existing Aboriginal harvesting, including hunting, fishing, trapping, and gathering.

#### **7.5.6 Commercial Resource Use**

The EIS will provide information on the following:

- Trapping;
- Fishing;
- Guiding and outfitting;
- Harvesting of wild rice;
- Mining;
- Forestry; and
- Hydro-electric generation.

#### **7.5.7 Recreational Resource Use and Tourism**

The EIS will provide information on the following:

- Hunting;
- Fishing;
- Gathering;
- Lodges and associated facilities;
- Cottage developments;
- Campgrounds;
- Recreational operations;
- Outdoor recreation activities; and
- Tourism and eco-tourism opportunities.

#### **7.5.8 Heritage Resources**

The EIS will provide information on the following:

- Historical-cultural characterization;
- Archaeological and culturally important sites;
- Known burial sites; and
- Past and present traditional land use and occupancy.

## 8.0 Effects Assessment Approach

### 8.1 Effects Assessment Principles and Objectives

The overall effects assessment approach will consider scientific study and analysis, Aboriginal knowledge, local knowledge and stakeholder perspectives, issues and concerns.

The effects assessment approach will embrace the following principles:

- That an understanding is required of the existing physical, biological, and socio-economic environments in the study area;
- That an understanding is required of the Project and the potential interactions between the Project and the environment;
- That Aboriginal knowledge, local knowledge, and scientific analysis all contribute to gaining an understanding of the existing environment and how the existing environment may be affected by the Project;
- That an understanding is required of how other past and potential future human activities have and continue to affect the environment and how these activities may interact with the Project;
- That Project effects will need to be viewed from the perspective of a variety of stakeholders;
- That stakeholder perspectives will be sought through consultation;
- That adverse effects will be avoided, mitigated or compensated and positive effects will be maximized, to the extent these measures are practicable; and
- That follow-up monitoring is required.

The effects assessment approach is designed to describe and address potential Project effects on the physical, biological, and socio-economic environments for use in the preparation of the EIS for the Project.

The main objectives of the effects assessment for the Project are as follows:

- Assist in the planning and design of the Project by identifying and assessing potential environmental effects and mitigation options to avoid or minimize adverse effects and maximize positive effects to the degree practicable;
- Address concerns and issues identified by Aboriginal groups, local residents, and other stakeholders with respect to the Project; and
- Provide sufficient information to prepare an EIS for consideration by regulators to exercise their legislated mandate.

The effects assessment will consider the existing environment without the Project, as the baseline condition against which changes caused by the Project will be assessed and measured.

Potential effects of the Project will also be considered in terms of sustainability as outlined in section 8.4 of this Scoping Document.

## **8.2 Effects Assessment Process**

The effects assessment will include the following steps:

- The Project and the existing environment will be described;
- Interactions between the Project and the environment will be identified and assessed;
- Aboriginal and local knowledge will be considered;
- Potential environmental effects of the Project will be identified;
- A selected list of appropriate valued environmental components (VECs) will be determined for the study area(s). These VECs will be used to provide a focus to the assessment and to the evaluation of the significance of the potential environmental effects of the Project;
- Technically and economically feasible measures to mitigate adverse effects or compensation measures will be identified, as will measures to enhance positive effects; and
- The significance of residual adverse effects will be determined.

Using this process, the EIS will describe and assess the potential effects of the Project and associated infrastructure on the physical, biological, and socio-economic environments for each phase of the Project – construction, operation and maintenance and decommissioning.

### **8.2.1 Mitigation, Compensation and Residual Effects**

The EIS will describe any mitigation measures or effect management proposed to be implemented during the construction, operation and decommissioning phases of the Project, including any need for fish habitat compensation, and measures to ensure navigability and the protection of navigation safety during construction, operation and maintenance and decommissioning of the Project. Feasible measures to enhance the potential benefits associated with the construction and operation and maintenance of the Project will also be detailed.

The EIS will identify any residual Project effects expected to remain after mitigation and/or compensation measures have been implemented.

### **8.2.2 Determination of Significance**

The EIS will outline the framework to be used in the evaluation of the significance of residual adverse effects by using the following criteria:

- Nature of the effect;
- Geographic extent of the effect;
- Magnitude of the effect;
- Duration of the effect;
- Timing of the effect;

- Frequency of the effect;
- Reversibility of the effect; and
- Confidence in the prediction of the effect.

Characterization of the significance of the residual adverse effects will consider scientific study and analysis, Aboriginal knowledge, and local knowledge, and will relate to all phases of the Project – construction, operation, and decommissioning.

### **8.3 Cumulative Effects Assessment**

In addition to describing the direct effects of the Project, the EIS will also include an assessment of cumulative effects. The cumulative effects assessment (CEA) will include a consideration of the potential for Project effects to act in combination with the effects of other past, present and/or reasonably foreseeable future projects in the study area (to be defined for the CEA). The EIS will outline the approach and methods for the CEA, and will include a description of the spatial and temporal boundaries used in the assessment. Guidance documents such as the Operational Policy Statement *Addressing Cumulative Environmental Effects Under the Canadian Environment Assessment Act* and the *Cumulative Effects Practitioners Guide* will be used to formulate the CEA process.

### **8.4 Sustainability Assessment**

Manitoba Hydro has Corporate Environmental and Sustainable Development Policies in order to help link its responsibilities both for the supply of energy to the Manitoba economy and for the protection of the environment and human health. Manitoba Hydro will incorporate its principles of sustainable development in all of its activities associated with the planning, development, operation and maintenance of the Project.

The EIS for the Project will address and incorporate the Principles and Guidelines of Sustainable Development as contained in *The Sustainable Development Act* (Manitoba).

### **9.0 Monitoring and Follow-up**

The EIS will provide details of, and commit Manitoba Hydro to, a monitoring and follow-up program extending through the construction, operation and decommissioning phases of the Project. The monitoring and follow-up program will incorporate the following:

- Identification of proposed methods to avoid and mitigate adverse environmental effects, including summaries of potential environmental sensitivities and mitigation actions;
- Emergency response plans developed in consultation with local authorities;

- Environmental protection plans for construction, operation and decommissioning;
- Monitoring plans and reporting protocols;
- Closure plans for borrow areas, including mitigation of potential hazards to public safety;
- Information on waste management practices to be utilized during all phases of the Project;
- Documentation of EIS commitments;
- An implementation plan for the EIS commitments; and
- A commitment to mitigate environmental effects throughout the full life-cycle of the Project. Field construction and operating personnel will be provided clear instructions on the mitigation measures to be implemented and on the lines of communication to be followed.

Where appropriate, monitoring of the physical, biological, and socio-economic effects on local, Aboriginal groups, or other affected communities will be conducted during the construction, operation and maintenance and decommissioning phases of the Project. The monitoring program is intended to confirm impact predictions related to anticipated effects and to determine whether unexpected effects are occurring.

A compliance monitoring program for the construction, operation and maintenance and decommissioning phases of the Project will be provided. The monitoring program will describe parameters to be monitored, methodologies and time frames.

As part of the process of follow-up and monitoring, the principles of adaptive management will apply. The EIS will describe a process that will be implemented in the event that it is determined that the Project is having unexpected adverse effects or if mitigation measures are proving to be ineffective.

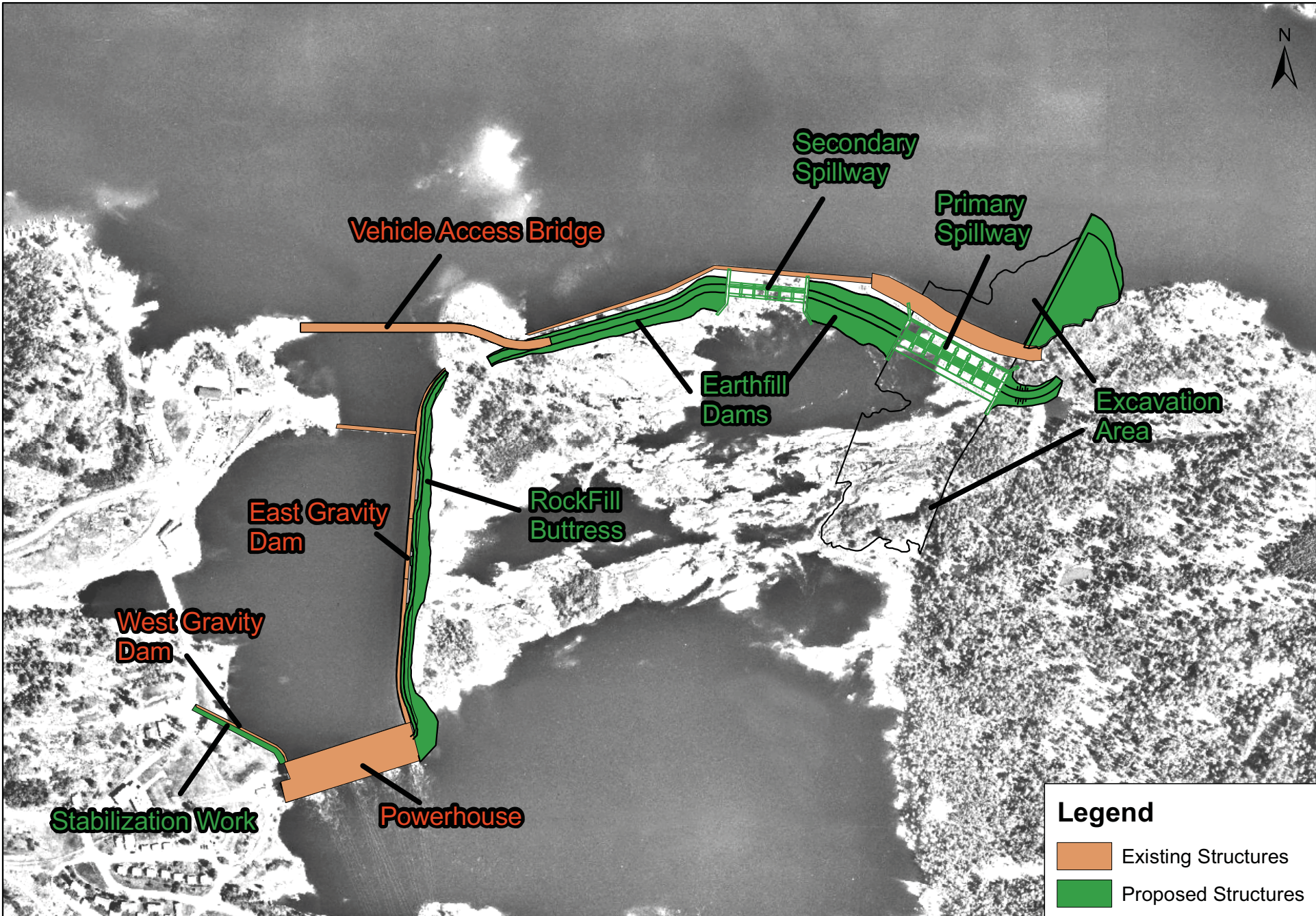
## 10.0 Report Format

The EIS for the Project will be written with a minimum of technical terminology and will include a glossary of terms used throughout the document. An executive summary for the EIS will be provided.

The EIS will utilize maps, charts, diagrams and photographs as appropriate for presentation. To the extent possible, maps and diagrams will be presented at a common scale so that these may be overlaid for ease of reference.



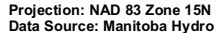
Supporting scientific, local and available Aboriginal information will be contained in reference appendices to the EIS.





**Legend**

- Existing Structures
- Proposed Structures

   **Pointe du Bois  
Spillway Replacement Project  
Preliminary General Arrangement**



This page left blank intentionally



**Conservation**

Climate Change and Environmental Protection Division  
Environmental Assessment and Licensing Branch  
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5  
T 204 945-7100 F 204 945-5229  
[www.gov.mb.ca/conservation/eal](http://www.gov.mb.ca/conservation/eal)

**File: 5471.00**  
September 1, 2010

Mr. Ryan Kustra  
Manager  
Major Projects Assessment and Licensing  
Power Projects Development Division  
Manitoba Hydro  
Box 815  
Winnipeg MB R3C 2P4

Dear Mr. Kustra:

**Re: Pointe du Bois Spillway Replacement Project – Environmental Assessment Scoping Document**

Thank you for your letter of August 30, 2010 providing the finalized Environmental Assessment Scoping Document for the above noted project.

Copies of the document will be placed in our public registries for the project, including our electronic public registry.

Yours truly,

Tracey Braun, M. Sc.  
Director  
Environmental Assessment and Licensing Branch

c. Peter Boothroyd, CEAA  
Public Registries

This page left blank intentionally



This page left blank intentionally

# **PROJECT AGREEMENT FOR THE POINTE DU BOIS SPILLWAY REPLACEMENT PROJECT IN MANITOBA**

## **PREAMBLE**

WHEREAS the Government of Canada is committed to improving the efficiency of the federal environmental assessment (EA) and regulatory review processes for major resource projects to enable a more effective assessment and mitigation of potential environmental effects, while protecting the health and safety of Canadians and promoting innovation and competitiveness within the Canadian resource industry sectors;

AND WHEREAS the Government of Canada is committed to undertaking a process of early, effective and meaningful consultation with Aboriginal groups, including Treaty First Nations, Non-Treaty First Nations, Métis and Inuit people, concerning contemplated federal Crown (Crown) conduct with respect to, among other things, major resource projects that may adversely affect established or potential Aboriginal and treaty rights under Section 35 of the *Constitution Act 1982*;

AND WHEREAS the Government of Canada has created the Major Projects Management Office (MPMO) for the purpose of overseeing and tracking the federal review, which includes the EA, regulatory reviews and Aboriginal consultation activities, for major resource projects;

AND WHEREAS Manitoba Hydro (the Proponent) has submitted a Project Description in support of its proposal to replace the existing spillway of the Pointe du Bois Generating Station facilities in Whiteshell Provincial Park, Manitoba;

AND WHEREAS Fisheries and Oceans Canada (DFO) have regulatory and statutory duties in relation to the development proposal and Transport Canada (TC) may have regulatory and statutory duties in relation to the development proposal;

AND WHEREAS DFO as a Authorities (RAs) and TC as a likely RA will conduct a screening pursuant to the *Canadian Environmental Assessment Act (CEAA)*;

AND WHEREAS nothing in this Project Agreement (the Agreement) fetters the powers, statutory authorities and functions of federal departments/agencies and their respective Ministers;

AND WHEREAS Manitoba Conservation and the Canadian Environmental Assessment Agency (CEA Agency) have agreed to coordinate the federal and provincial EAs to the extent possible;

NOW THEREFORE the signatories (the Parties) to this Agreement commit to work together to facilitate an effective, accountable, transparent, timely and predictable federal review in relation to the proposed project and to contribute to fulfilling the Crown's duty to consult with Aboriginal groups.



## **1.0 PURPOSE**

The purpose of this Agreement is to provide an effective tool to enable the Parties to deliver an efficient federal review process. It articulates the roles and responsibilities of each department and agency and timeline based targets for the achievement of process milestones. For further clarity, the Agreement shall be read together with the Annexes, which form part of this Agreement

## **2.0 PROJECT DESCRIPTION**

The proposed project consists of the replacement of the existing spillway structure (the Project). The forebay will continue to be controlled within historical operating levels. The existing spillway will operate during the construction of the new facilities and then will be decommissioned.

Based on the proponent's listing of the project components, the scope of project for the purposes of the federal EA consists of the following:

- construction, operation and maintenance of a new primary spillway immediately downstream of the existing rockfill dam on the east side of the Winnipeg River (blasting will occur both immediately upstream and immediately downstream of the primary spillway);
- construction, operation and maintenance of a new secondary spillway west of the primary spillway (limited blasting may be required to prepare the foundation);
- construction, operation and maintenance of new concrete and earthfill dams;
- construction, operation and maintenance of stability measures for the existing east and west gravity dams;
- decommissioning of the existing spillway; and,
- compensation to offset the loss of fish habitat resulting from the construction of the new primary and secondary spillways.

Associated project infrastructure includes:

- on-site contractor facilities;
- a concrete batch plant;
- storage areas and offices;
- water and wastewater management;
- earthfill material source areas (borrow areas) and rock disposal areas;
- cottage access roadways; and,
- construction access, including barge, winter roads and land access across the spillway shelf.

### 3.0 ROLES AND RESPONSIBILITIES

The following federal departments and agencies have identified an interest in the Project, and will participate in the federal review as follows:

- DFO has regulatory and statutory responsibilities under the *Fisheries Act* and, pursuant to the CEAA, is an RA. DFO requires that a complete application for a *Fisheries Act* authorization be submitted during the EA phase to confirm whether there is a *Fisheries Act* trigger. In order to meet the regulatory timelines set out in this Agreement for a review under the *Fisheries Act*, the information requested in the application must be submitted to DFO, at the latest, concurrent with the submission of the draft Environmental Impact Statement (EIS). DFO may be in possession of specialist or expert information or knowledge with respect to the Project and, on request, shall make available that information or knowledge to the RAs;
- TC may have regulatory and statutory responsibilities under the *Navigable Waters Protection Act* (NWPA) and, pursuant to the CEAA, is a likely RA. TC requires that all the information described in the NWPA application form for a review under the NWPA be submitted during the EA phase to confirm whether there is a NWPA trigger. In order to meet the regulatory timelines set out in this Agreement for a review under the NWPA, the information described in the NWPA application form must be submitted to TC, at the latest, concurrent with the submission of the EIS and the Navigation Impact Assessment (NIA) has to be completed as a component of the EA. TC may be in possession of specialist or expert information or knowledge with respect to the Project and, on request, shall make available that information or knowledge to RAs;
- Natural Resources Canada (NRCan), Environment Canada (EC) and Health Canada (HC) are Federal Authorities (FAs) pursuant to CEAA and may be in possession of specialist or expert information or knowledge with respect to the Project (expert FAs) and, upon request, shall make available that information or knowledge to the RAs.
- INAC has advisory responsibilities to support the Government of Canada's Aboriginal consultation activities in relation to the Project;
- The CEA Agency has administrative responsibilities pursuant to the CEAA in support of the EA. The CEA Agency will act as the EA Manager and as the Crown Consultation Coordinator (CCC) for the EA in relation to the Project, and will coordinate the federal and provincial EA processes to the extent possible; and,
- The MPMO has administrative and advisory responsibilities under the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and the associated Memorandum of Understanding (MOU). The MPMO will provide oversight and advice throughout the entire federal review in relation to the Project to ensure adherence to the service standards and roles and responsibilities of all Parties.

For further information regarding the roles and responsibilities of the Parties, please see Annexes III, IV and V.

#### **4.0 FEDERAL REVIEW PROCESS**

The proposed scope of the Project is the project described in the Project Description provided by Manitoba Hydro.

The CEA Agency and the Manitoba Conservation will coordinate the federal and provincial EA review processes, to ensure that joint steps are undertaken wherever that can appropriately be done pursuant to the Canada-Manitoba Agreement on Environmental Assessment Cooperation.

Annex I shows a Gantt chart of the federal review process. Annex II shows the key milestones and service standards for the EA as well as Aboriginal consultation. Annex IV shows the milestones and service standards for the regulatory review for each department.

The CEA Agency will work together with the RAs and the expert FAs to ensure that the EA process results in an efficient and effective EA that complies with the requirements of the CEAA. The type of EA required is a screening.

During the EA process, RAs will confirm any regulatory or other s. 5 decisions required in relation to the Project that are triggers pursuant to the CEAA. As such, the Proponent is expected to submit all necessary applications to allow confirmation of triggers prior to the EA decision. Submission of the regulatory and technical information necessary for RAs to make their regulatory decision within the proposed timeframe is at the discretion of the Proponent. Although that information is not necessary for the EA decision, the Proponent is expected to submit it concurrent with the EIS, for the RAs to meet the regulatory timelines set out in this Agreement.

During the EA process, RAs will confirm any regulatory decisions required in relation to the Project that are triggers pursuant to the CEAA. If a department or agency determines that it is no longer required to make a regulatory decision, it will end its participation in the EA as an RA, but may, upon request from an RA, continue to participate as an expert FA should it be in possession of specialist or expert information or knowledge with respect to the Project.

#### **5.0 ABORIGINAL ENGAGEMENT AND CONSULTATION**

The Parties are committed to a “Whole of Government” approach to Aboriginal consultation in the context of major resource projects to ensure that Aboriginal groups are sufficiently consulted and, where appropriate accommodated, when the Government of Canada contemplates actions that may adversely affect established or potential Aboriginal and treaty rights. To the extent possible, and with the CEA Agency responsible for coordination during the EA Phase, the Parties will work together and with the Province of Manitoba toward a coordinated approach for Aboriginal consultation that is integrated with the EA phase of the federal review. Following the EA phase, the responsibility for Aboriginal consultation will be transferred from the CEA Agency to an RA for the regulatory phase. The Crown will take into account the consultation efforts of the Province and the Proponent, to the extent possible, to meet its duty to consult.

Where applicable, the terms and conditions of all existing agreements or protocols between the Crown and Aboriginal groups will be respected and followed.

The Aboriginal consultation roles and responsibilities are identified in Annex III.

## **6.0 TIMELINES**

Timelines identified in the Project Agreement represent the time taken by federal departments and agencies in carrying out their respective tasks for the federal review. The target timelines for the federal review are detailed in the Gantt chart in Annex I, and are as follows:

- a) Completion of the EA – 11.5 months from the posting of the Notice of Commencement on the Canadian Environmental Assessment Registry Internet Site (CEARIS) to the posting of EA course of action decisions under the CEAA; and,
- b) Regulatory decisions pursuant to the NWPA and *Fisheries Act* permits - 90 calendar days from the EA course of action decisions posted on the CEARIS, assuming submission of all applications no later than the time of the submission of the EIS.

The following are examples of situations where the MPMO may pause the timelines of the federal review:

- a) the federal review is delayed at the request of the Proponent and/or another jurisdiction;
- b) the CEA Agency and/or RAs have indicated that the Proponent is required to provide additional information necessary for the completion of the federal review, or that the information provided is insufficient;
- c) the federal review cannot proceed as a result of circumstances related to Aboriginal consultation; or,
- d) litigation or other court action prevents the completion or continuation of the federal review.

## **7.0 FOLLOW-UP AND MONITORING**

The RAs have responsibilities under the CEAA to ensure the implementation of mitigation measures taken into account by the RAs in reaching a conclusion on the significance of adverse environmental effects and which the RAs can ensure. If the RAs determine a follow-up program is appropriate in the circumstance, the RAs will work with the expert FAs, the Proponent and the province, to satisfy those responsibilities. Expert FAs will provide assistance requested by the RAs in ensuring the implementation of a mitigation measure or aspect of the follow-up program on which the expert FAs and RAs have agreed.

## **8.0 ADMINISTRATION**

### *Tracking Progress*

The milestones, timelines and service standards set out in this Agreement, subject to any amendments, will provide the basis against which the MPMO will monitor the progress of the federal review and report on this progress in the MPMO Tracker.

#### Issues Resolution

The Parties will use their best efforts to resolve any differences of opinion in the interpretation or application of this Agreement in an effective and timely manner.

Issues relating to the federal review for the Project will be resolved through direct discussions and collaboration between the involved Parties, supported by the MPMO.

Should issues remain outstanding, they will be referred to the appropriate senior level committee.

#### Post-Project Evaluation

The Parties will participate in an informal evaluation of the federal review in relation to the Project within 90 days of the completion of the regulatory review. The level of effort and format of the evaluation will be appropriate to the scale of the issues encountered.

#### Amendments

The Parties may recommend to the MPMO whether a change to the federal review or to the Project warrants an amendment to the Agreement. Where there is agreement that an amendment is warranted, and where such amendment is considered significant, the MPMO will provide the proposed amendment to the Major Projects Deputy Ministers for consideration.

Unless otherwise determined by the MPMO in collaboration with the Parties, amendment of the Agreement shall not cause the federal review to stop with respect to any Agreement-related activities that might be ongoing at the time when the need for amendment is identified.

## 9.0 PROJECT AGREEMENT

The Parties hereto have signed the Project Agreement, in counterpart, on the dates indicated below.

**Original Signed by** March 16<sup>th</sup>, 2011  
**Serge P. Dupont** Date  
Deputy Minister  
Natural Resources Canada

**Original Signed by** March 22<sup>nd</sup>, 2011  
**Elaine Feldman** Date  
President  
Canadian Environmental Assessment Agency

**Original Signed by** March 22<sup>nd</sup>, 2011  
**Claire Dansereau** Date  
Deputy Minister  
Fisheries and Oceans Canada

**Original Signed by** March 22<sup>nd</sup>, 2011  
**John Forster** Date  
Associate Deputy Minister  
Transport Canada

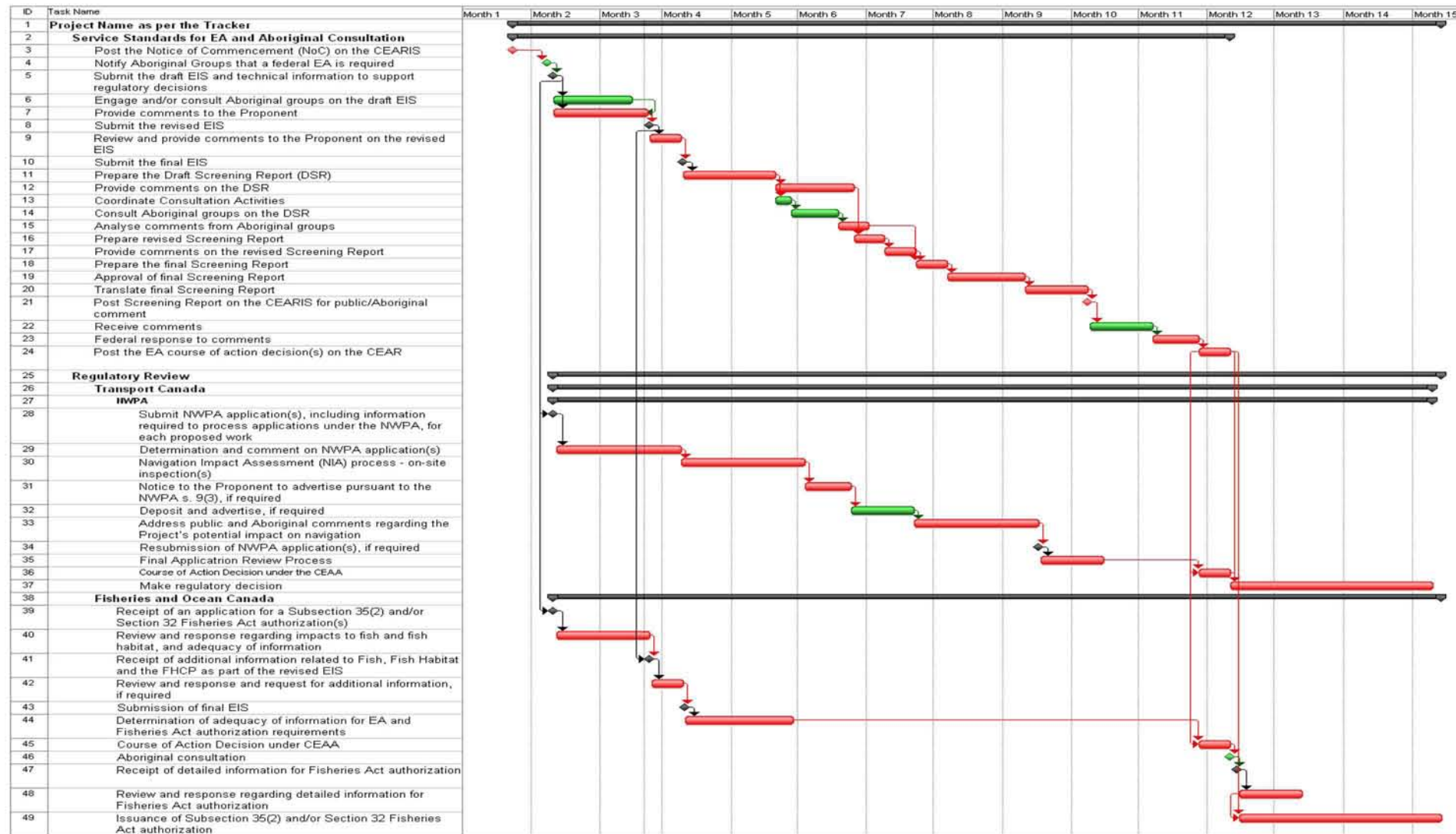
**Original Signed by** March 22<sup>nd</sup>, 2011  
**Paul Boothe** Date  
Deputy Minister  
Environment Canada

**Original Signed by** March 22<sup>nd</sup>, 2011  
**Michael Wernick** Date  
Deputy Minister  
Indian and Northern Affairs Canada

## **Annexes**

- Annex I Gantt Chart: Target Timelines for the Federal Review of the Project
- Annex II Key Milestones and Service Standards for the Environmental Assessment and Aboriginal Consultation
- Annex III Aboriginal Consultation Approach and Associated Roles and Responsibilities
- Annex IV Responsible Authorities: Roles, Responsibilities, Key Milestones and Service Standards
- Annex V Other Departments and Agencies: Roles and Responsibilities

## Annex I Gantt Chart: Target Timelines for the Federal Review for the Project





## Annex II

### Key Milestones and Service Standards for the Environmental Assessment and Aboriginal Engagement and Consultation

	<b>Milestone</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard, or Completion Date</b>
1	Post the Notice of Commencement (NoC) on the CEARIS	DFO	CEA Agency	December 24, 2010
2	Notify Aboriginal groups that a federal EA is required	CEA Agency		January 7, 2011
3	Submit the draft EIS and technical information to support regulatory decisions	Proponent		To be determined by the Proponent
4	Engage and/or consult Aboriginal groups on the draft EIS	CEA Agency	RAs, expert FAs	5 weeks starting from the submission of the draft EIS
5	Provide comments to the Proponent on the draft EIS	CEA Agency		Within 6 weeks from the submission of the draft EIS
6	Submit the revised EIS	Proponent		To be determined by the Proponent
7	Review and provide comments to the Proponent on the revised EIS	CEA Agency	RAs, expert FAs	Within 2 weeks from the submission of the revised EIS
8	Submit the final EIS	Proponent		To be determined by the Proponent
9	Prepare the Draft Screening Report (DSR)	CEA Agency	RAs, expert FAs	Within 6 weeks of receiving the final EIS
10	Provide comments on the DSR	RAs, expert FAs		Within 5 weeks of receiving DSR from the CEA Agency
11	Coordinate Consultation Activities	CEA Agency		Within 1 week of preparation of DSR
12	Consult Aboriginal groups on DSR	CEA Agency	RAs, expert FAs	Within 3 weeks starting 1 week after the start of coordination of consultation activities
13	Analyse comments from Aboriginal groups	CEA Agency	RAs, Expert FAs	Within 2 weeks from receipt of comments from Aboriginal groups

	<b>Milestone</b>	<b>Lead</b>	<b>Support As Needed</b>	<b>Service Standard, or Completion Date</b>
14	Prepare revised Screening Report	CEA Agency		Within 2 weeks after receiving comments on DSR
15	Provide comments on the revised Screening Report	RAs, expert FAs		Within 2 weeks of receiving the revised Screening Report from the CEA Agency
16	Prepare the final Screening Report	CEA Agency		Within 2 weeks of analysis of comments from Aboriginal groups
17	Approval of final Screening Report	RAs		Within 5 weeks of receiving the final Screening Report from the CEA Agency
18	Translate final Screening Report	CEA Agency		Within 4 weeks after the RAs approve the final screening report
19	Post Screening Report on the CEARIS for public/Aboriginal comment	CEA Agency		Within 1 week of receiving translated Screening Report
20	Receive comments			Within 4 weeks after notice of comment period
21	Federal response to comments	RAs		Within 3 weeks after end of comment period
22	Post the EA course of action decision(s) on the CEARIS	RAs		Within 2 weeks of responding to comments on the Screening Report

## Annex III

### Aboriginal Consultation Approach and Associated Roles and Responsibilities

#### 1.0 Context

The Government of Canada consults with Aboriginal people for reasons of good governance, sound policy development and decision-making as well as for legal reasons. Canada has statutory, contractual and common law obligations to consult with Aboriginal groups. The Government of Canada will take a “Whole of Government” approach to Aboriginal consultation in the context of major resource projects to ensure that Aboriginal groups are sufficiently consulted and, where appropriate accommodated, when it contemplates actions that may adversely affect established or potential Aboriginal and treaty rights. These rights are recognized and affirmed in Section 35 of the *Constitution Act, 1982*.

This approach is mandated by both the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and the associated Memorandum of Understanding (MOU) (June, 2007). The *Directive* states that Parties will work together towards a coordinated approach for Aboriginal consultation that is integrated with the EA, to the extent possible. The approach for federal consultation of Aboriginal groups for major resource projects was created in accordance with *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult* (INAC/Department of Justice (DOJ)); February 2008).

#### 2.0 Identifying Aboriginal Groups

The CEA Agency, along with RAs, will:

- work with the Proponent to identify Aboriginal groups for consultation that may be affected by the Project;
- conduct background research on Aboriginal groups in the area and their potential and established rights;
- identify potential adverse impacts of the proposed project/activity;
- undertake initial assessment and analysis (including prima facie strength of claim assessment); and,
- based on the potential severity of the adverse impacts of the proposed project on the potential or established *Constitution Act* s. 35 rights, establish the initial form and content of a consultation process.

Aboriginal groups consulted may change over time based on information received during the course of the assessment and information received from Aboriginal groups, as may the level of consultation activities undertaken by the Crown.

### 3.0 The Crown Consultation Process

The “Whole of Government” approach for Aboriginal consultation activities will be implemented throughout the entire federal review. Best efforts will be made to ensure that the  
5 timeframe for consultation activities coincides with key milestones and processes. It is important to acknowledge that timeframes for consultation activities may diverge from pre-established federal review timeframes, based on consultation requirements. Should modifications to timeframes be required due to the consultation process, revisions will be discussed by all Parties.

10 Where accommodation is appropriate, the Crown, coordinated by the CEA Agency during the EA phase, will monitor and determine whether identified mitigation measures reasonably address concerns regarding potential adverse impacts on established or potential Aboriginal and treaty rights. The Crown may also examine the role of third parties in addressing adverse impacts on  
15 established or potential Aboriginal and treaty rights. The Crown will work with Aboriginal groups and attempt to identify options or solutions that balance the interests of those Aboriginal groups with other societal interests. The Crown will take into account the consultation efforts of the Province and the Proponent, to the extent possible, to meet its duty to consult.

### 20 4.0 Roles and Responsibilities of Parties

#### The CEA Agency will:

- Act as the CCC for the EA phase of the federal review in relation to the Project, coordinate and facilitate the Crown’s consultation activities before and during the EA,  
25 and ensure a smooth transition to the regulatory review if required. As the CCC, the CEA Agency will:
  - Develop and implement a Crown consultation plan that is consistent with a whole-of-  
30 government approach to Crown consultation by the federal Crown through close collaboration with RAs and with support from expert FAs as appropriate;
  - Coordinate federal Crown consultation activities with those of the Province;
  - Invite Aboriginal groups to participate in the EA process and make their concerns known about EA matters, as well as the project impacts on their established or  
35 potential Aboriginal and treaty rights;
  - Coordinate the involvement of, and provide updates to, RAs and expert FAs regarding federal Crown consultation activities with Aboriginal groups as it relates to the EA;
  - Represent the Crown with RAs during consultation activities, and work with those authorities to appropriately consider and address issues raised by Aboriginal groups;
  - Compile the Crown consultation record, including a tracking table for those issues  
40 that may require a response from the RAs and expert FAs;
  - Coordinate the evaluation of the scope, nature, and sufficiency of the Crown’s consultation efforts, with input from the DOJ, INAC and RAs; and
  - Coordinate the response, with input from INAC and the RAs, on behalf of the  
45 Government of Canada to Aboriginal Groups on how concerns were addressed during the EA;

- Coordinate discussions amongst the RAs for the purposes of identifying a lead CCC for Aboriginal consultation activities related to the regulatory phase; and,
- Document lessons learned

5 **The MPMO will:**

- Provide oversight to ensure the overall consistency, accountability, and transparency of the Aboriginal Crown consultation effort, for the entire federal review;
- House and maintain the official Record of Crown Consultation Activities for the Project; and,
- 10 • Incorporate information relating to consultation activities into the MPMO Tracker.

**RAs will:**

- Contribute to the “Whole of Government” approach by participating in consultation activities throughout the entire federal review (including before, during and after the EA) in areas relevant/appropriate to their mandates and areas of statutory and policy responsibility;
- Represent the Crown in concert with the CCC and the Province, and work with the Proponent and other Parties to address Aboriginal issues, as appropriate/required;
- Take on the role of the CCC from the CEA Agency following the EA course of action decision;
- 20 • Report on consultation activities to the CEA Agency and the MPMO in accordance with the established records-management process;
- Provide input into the response to Aboriginal groups on how concerns were addressed;
- Support issues analysis work, where required;
- 25 • Contribute to the evaluation of the scope, nature, and sufficiency of the Crown’s consultation efforts, with CEA Agency, the DOJ, and INAC
- If appropriate, conduct a *prima facie* strength of claim analysis with input from DOJ, INAC and the CCC; and,
- Develop, review and approve the Aboriginal consultation work plan for the regulatory phase, if required.
- 30

**Expert FAs will:**

- Support any of the above activities upon request of the CCC and/or RAs, as appropriate.

35 **DOJ and INAC will:**

- Provide legal services (DOJ), information and advice to the CEA Agency, MPMO and RAs as appropriate and required throughout the federal review; and,
- Assist in the evaluation of the scope, nature, and sufficiency of the Crown’s consultation efforts.
- 40

## Annex IV

### Responsible Authorities Roles, Responsibilities, Key Milestones and Service Standards

5

#### EA

- Participate in meetings with other federal/provincial authorities, where appropriate;
- Review, comment on and approve the EA work plan and Aboriginal consultation work plan;
- 10 • Provide guidance with respect to the content of the Screening Report to the EA Manager or to the Proponent where they have been delegated to prepare the Screening Report;
- Review, comment on and approve appropriate federal EA documents (e.g., scoping document, screening report);
- Review and comment on the EIS, and participate in the analysis of comments on the EIS;
- 15 • Consult with affected/potentially affected Aboriginal groups as described in Annexes II and III;
- Take EA course of action decision following the finalization of the Screening Report;
- Work with other RAs, expert FAs, the Proponent and the province to ensure implementation of mitigation measures and the design and implementation of a follow-up program, if a follow-up program was determined to be appropriate in the circumstances; and,
- 20 • Where appropriate, work with other RAs, expert FAs, the Proponent and the Province to identify measures or means to accommodate adverse impacts on potential or established Aboriginal and treaty rights under Section 35 of the *Constitution Act, 1982*.

25

#### Regulatory

- Prepare regulatory work plan;
- Participate in meetings with other federal/provincial authorities as appropriate;
- Participate in public comment period, public notice and possible public consultations, as appropriate;
- 30 • Provide expert advice with respect to its mandate, regulatory responsibilities and areas of interest, where appropriate;
- If appropriate, take regulatory decision following the EA course of action decision;
- Undertake any required activities related to its mandate, regulatory responsibilities and areas of interest, including consulting with affected/potentially affected Aboriginal groups as appropriate, to support regulatory decisions; and,
- 35 • Conduct site visits to support regulatory decisions, as required.

## Transport Canada

- 5 *Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.*

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<b>Liaise with the Proponent regarding potential works in regards to impacts on navigability</b>	Liaise with the Proponent regarding proposed works that could potentially impact navigation and on potential alternatives and mitigation strategies to ensure that navigability is maintained.	TC	Ongoing
<b>Submit NWPA application(s), including information required to process applications under the NWPA, for each proposed work</b>	Provide TC with a completed application for each proposed work, no later than the time of submission of the EIS.	Proponent	Determined by the Proponent.
<b>Determination and comment on NWPA application(s)</b>	<p>Review application package and information/plans for adequacy to support NWPA review.</p> <p>Request further information if required to proceed with application.</p> <p>Review draft FHCP for potential impacts to navigation and provide comments to DFO with respect to the navigability of the watercourse and any concerns regarding potential mitigation measures with respect to navigation.</p>	TC	<p>8 weeks after application submission.</p> <p>Within 2 weeks of receiving the draft FHCP</p>
<b>NIA process - on-site inspection(s)</b>	Complete on-site NIA of the Project, site and waterway(s), subject to weather and time of year.	TC	Site inspection within 2 months of receipt of completed application, then as necessary until completion of the public comment process.
<b>Notice to the Proponent to deposit</b>	Provide the Proponent with advertisement package pursuant to	TC	Within 3 weeks of completed initial on-site

MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
<b>plans and to advertise pursuant to the section 9 of the NWPA, if required</b>	NWPA s. 9.		inspection and following the assessment of navigational issues arising from any changes to the Project due to EA issues.
<b>Deposit and advertise, if required</b>	Deposit all plans in the local land registry or land titles office or other place specified by the Minister and advertise in the Canada Gazette and in one or more newspapers that are published in or near the place where the work is to be constructed..  Provide proof of deposit and advertising to TC.	Proponent	Interested persons may provide written comments to the Minister within 30 days after the publication of the last notice referred to in s.9(3) or 9(4) of the NWPA"
<b>Consult with Aboriginal groups regarding navigational impacts, if required</b>	Seek information regarding navigational concerns from the Proponent or directly from Aboriginal groups through the federal EA process, if possible. Or, if not possible, through departmental Aboriginal consultation processes.	TC	To be completed within the EA phase; however, consultation would be ongoing until duty has been met to the satisfaction of the Minister of Transport.
<b>Address public comments and issues raised by Aboriginal groups regarding the Project's potential impact on navigation</b>	Should TC receive concerns from the public regarding navigation, the Proponent and TC will work together to resolve concerns.  Should TC receive concerns from Aboriginal groups regarding navigation, the Proponent and TC will work together to resolve the concerns..  Additional requirements might be deemed necessary by TC in regard to potential impacts on navigation posed by proposed works.  TC will facilitate public comment process if required.	Proponent and TC  TC	To be completed within 2 months of completion of advertisement process.
<b>Resubmission of NWPA application(s), if required</b>	Resubmission of NWPA application(s) where applicable and re-deposit and re-advertising of	Proponent	Determined by the Proponent, if required.



MILESTONE	ACTIVITIES/DESCRIPTION	LEAD	SERVICE STANDARD
	<p>plans in one or more local papers and the Canada Gazette is required if substantial changes to proposed work(s) are required.</p> <p>Furthermore, DFO fish habitat compensation plans will have to be reviewed prior to issuing an approval.</p>		
<b>Final application review process</b>	Perform a final review of all information on file, including technical information and ensure all public comments are addressed.	TC	4 weeks
<b>Course of Action Decision under the CEAA</b>	TC reaches a course of action decision under CEAA.	TC	As per EA work plan.
<b>Make regulatory decision</b>	Make regulatory decision under NWPA.	TC	<p>Within 90 calendar days after TC makes an appropriate course of action decision if the NWPA application(s) submitted no later than the time of submission of the EIS. The regulatory decision will be contingent on:</p> <ol style="list-style-type: none"> <li>1. The discharge of any legal Aboriginal consultation obligations associated with the approval(s).</li> <li>2. An EA course of action decision under s. 20(1) of CEAA.</li> <li>3. Mitigation of public concerns to the satisfaction of the Minister of Transport.</li> </ol>

Fisheries and Oceans Canada

5 *Note: The following milestones represent the key activities associated with the regulatory process for the Project and are not intended to reflect the entire work plan schedule associated with this Project. Furthermore, these milestones may need to be adjusted as additional information is made available.*

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
<p>The following milestones occur after DFO’s review of a complete Project Description and determination that an authorization under Subsection 35(2) and/or Section 32 <sup>1</sup>of the <i>Fisheries Act</i> is likely to be required. If such an authorization is likely to be required, DFO will request that the Proponent submit an application for authorization for review.</p> <p>Appropriately detailed information associated with the assessment of effects on fish and fish habitat and mitigation (including compensation) to address those effects must be provided during the environmental assessment (EA) to support the determination of the significance of adverse effects on fish and fish habitat. This information will be identified through DFO’s input to the Environmental Impact Statement (EIS) guidelines or terms of reference.</p> <p>Aboriginal consultation activities related to the EA are captured in <i>Annex II: Key Milestones and Service Standards for the Environmental Assessment and Aboriginal Consultation</i>.</p>			
<p><b>Receipt of an application for a Subsection 35(2) and/or Section 32 <i>Fisheries Act</i> authorization(s)</b></p>	<p>DFO receives an application from the Proponent for the authorization of impacts to fish habitat under Subsection 35(2) and/or the destruction of fish under Section 32 of the <i>Fisheries Act</i>.</p> <p>The application must be complete and be supported by adequate plans, maps, reports and data to support the review.</p> <p>The application should also be supported by (as part of the authorization or in the EIS) proposed mitigation to minimize impacts on fish and fish habitat and a proposed fish habitat compensation plan (FHCP) associated with a Subsection 35(2) authorization (if it is determined that one is appropriate).</p>	<p>Proponent</p>	<p>Dependent upon timing of the submission of the application by the proponent but, at the latest, it must be submitted concurrently with the submission of the first draft of the EIS.</p>

<sup>1</sup> HMP Assessor to specify which *Fisheries Act* provision(s) apply(ies) for each case and to ensure that subsequent references are accurate. This footnote should be removed when the provision(s) are identified.

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
	This information will be used to support the <i>Fisheries Act</i> review and environmental assessment (EA).		
<b>Review and response regarding impacts to fish and fish habitat, and adequacy of information</b>	<p>DFO reviews the application package/EIS (including proposed mitigation, proposed FHCP and associated estimate of financial security, if provided, and other related information) for adequacy and responds to the Proponent as part of DFO comments on the draft EIS.</p> <p>If the FHCP is provided separately from the EIS, DFO will ensure that the FHCP is provided to Transport Canada for review of potential impacts to navigation (14-day comment period).</p> <p>Should the information be incomplete, DFO will request the required information from the Proponent in order to be able to proceed with the review.</p>	DFO	Within 6 weeks of submission of the draft EIS
<b>Receipt of additional information related to Fish, Fish Habitat and the FHCP as part of the revised EIS</b>	DFO receives additional information from the proponent.	Proponent	Dependent upon timing of the submission of the revised EIS by the proponent.
<b>Review and response and request for additional information, if required</b>	<p>DFO reviews the revised EIS including any additional information related to fish, fish habitat and the FHCP.</p> <p>DFO requests further information, if required, to proceed with the review of the application. This may include information on fish habitat compensation since it will</p>	DFO	Within 2 weeks of submission of the revised EIS

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
	form part of the mitigation plan for the EA.		
<b>Submission of final EIS</b>	DFO receives final EIS, including FHCP, from the proponent.	Proponent	Dependent on timing of the submission of the final EIS by the proponent.
<b>Determination of adequacy of information for EA and Fisheries Act authorization requirements</b>	<p>DFO determines that information of appropriate detail on fish and fish habitat, mitigation measures, including FHCP, has been provided to make a conclusion on significance of adverse effects on fish and fish habitat.</p> <p>DFO informs proponent that information is sufficient to support the determination relative to the significance of environmental effects as needed for the EA. DFO also informs the proponent of any additional information requirements that may be necessary to make the regulatory decision, including the requirement for financial security in relation to compensation.</p> <p>DFO will also, as appropriate, undertake or participate in coordinated Aboriginal consultation activities relative to fish and fish habitat issues.</p> <p><b>OR</b></p> <p>If the Final EIS does not yet contain sufficient information to allow for EA conclusion to be made, DFO will request this information/clarification from the proponent. Sufficient information is required before the next step can be undertaken.</p>	DFO	Within 7 weeks of receipt of Revised Screening Report
<b>Course of Action Decision under</b>	DFO reaches a course of action decision under CEAA that will	DFO	Within 2 weeks after approval of Final

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
<b>CEAA</b>	determine whether the authorization(s) may be issued.  If the course of action decision allows for proceeding with authorization(s), the subsequent activities and milestones will apply.		Screening Report
<b>Aboriginal consultation</b>	Through coordinated Aboriginal consultation activities, DFO will undertake additional consultation, as appropriate, based upon results of consultation undertaken during the EA. Activities and service standards will be identified in Aboriginal Consultation work plan after analysis of results of consultation activities undertaken during the EA.	DFO	As per Aboriginal Consultation work plan developed after analysis of results of consultation activities undertaken during the EA.
<b>Receipt of detailed information for Fisheries Act authorization</b>	DFO receives detailed FHCP, including information on financial security (if required) in a level of detail necessary to make a regulatory decision.  Upon receipt, DFO will ensure that a copy of the detailed FHCP is provided to Transport Canada for a 14-day comment period.	Proponent	Dependent on timing of the submission by the proponent
<b>Review and response regarding detailed information for Fisheries Act authorization</b>	DFO notifies the proponent that the FHCP is acceptable or if additional information is required to allow for the regulatory decision to be made.  Sufficient information is required before the next step can be undertaken.	DFO	Within 30 days of receipt of the information  If multiple information requests are required DFO will respond within 15 days of the proponent responding to the previous request.

MILESTONE	ACTIVITIES / DESCRIPTION	LEAD	SERVICE STANDARD
<p><b>Issuance of Subsection 35(2) and/or Section 32 Fisheries Act authorization</b></p>	<p>If appropriate, DFO issues a <i>Fisheries Act</i> authorization<sup>2</sup> to the Proponent for impacts to fish and fish habitat.</p>	<p>DFO</p>	<p>DFO issues the authorization 60 days following the determination that the FHCP is acceptable (including financial security), and the discharge of any Aboriginal consultation responsibilities with respect to the <i>Fisheries Act</i> authorization.</p> <p>Issuance of the authorization(s) may also consider the Proponent's timing needs for the authorization(s) in that, should an authorization not be required until much later than the timeline above, DFO will issue it when it is appropriate.</p> <p>If the above conditions have been met, an authorization for impacts to fish and fish habitat associated with a work/undertaking directly related to a Tailings Impoundment Area requiring scheduling under the <i>Metal Mining Effluent Regulations</i> (MMER) will be issued within 14 days of <i>Canada Gazette II</i> publication.</p>

<sup>2</sup> Fisheries Act authorization may be issued based upon policy guidance the *Policy for the Management of Fish Habitat*, 1986; Practitioners Guide to writing a subsection 35(2) Fisheries Act authorization for DFO Habitat Management staff, (v1.1); and Practitioners Guide to habitat compensation for DFO Habitat Management staff, (v1.1).

## Annex V

### Other Departments and Agencies: Roles and Responsibilities

PARTY	ROLES / RESPONSIBILITIES
CEA Agency	<ul style="list-style-type: none"> <li>• Provide advice in regard to the application of the CEAA;</li> <li>• Act as the EA Manager and CCC for the EA in relation to the Project, including the development of detailed work plans;</li> <li>• Work in cooperation with RAs, FAs, the Province and the Proponent to identify and evaluate means by which they will either ensure or be satisfied mitigation measures and follow-up programs (if appropriate) are implemented;</li> <li>• Fulfill the Canadian Environmental Assessment Registry requirements to provide convenient public access to a paper based project file of documents associated with a specific assessment pursuant to section 55.4 of the CEAA up to but not including the posting of the EA course of action decision;</li> <li>• Fulfill the requirements for posting documents on the CEARIS following the posting of the Notice of Commencement up to but not including the posting of the EA course of action;</li> <li>• Coordinate EA and Aboriginal consultation activities with other jurisdictions during the EA; and,</li> <li>• Prepare and coordinate the review of the Screening Report.</li> </ul>
Expert Federal Authorities	<p>Upon request from an RA or the CEA Agency, expert FAs will perform and fulfill the following roles and responsibilities:</p> <ul style="list-style-type: none"> <li>• Review and submit comments on the EA work plan and Aboriginal Consultation work plan;</li> <li>• Participate in federal project review committee meetings for provision of relevant expertise;</li> <li>• Review and submit comments on EA documents as appropriate;</li> <li>• Provide any assistance requested by a RA in ensuring the implementation of a mitigation measure and/or follow-up program (if appropriate) on which the expert FA and RA(s) have agreed;</li> <li>• Participate in meetings with other federal/provincial authorities as appropriate;</li> <li>• Support Aboriginal consultation activities as appropriate;</li> <li>• Provide advice in respect of their respective mandate and area(s) of expertise when requested by the RAs. Advice will be provided within timelines requested by an RA; and,</li> <li>• Review and submit comments on the EIS, and comments received on it.</li> </ul>
Area of Expertise/Interest	

HC	<ul style="list-style-type: none"> <li>• Air quality health effects;</li> <li>• Contamination of country foods (e.g. fish, wild game, garden produce, berries, etc);</li> <li>• Electric and magnetic fields;</li> <li>• Noise impacts;</li> <li>• Health risk assessment and risk management;</li> <li>• Federal air, water, and soil quality guidelines/standards used in human health risk assessments; and,</li> <li>• Toxicology (multimedia - air, water, soil).</li> </ul>
EC	<ul style="list-style-type: none"> <li>• Wildlife, including: <ul style="list-style-type: none"> <li>▪ SARA species;</li> <li>▪ Biodiversity;</li> <li>▪ Habitat conservation; and</li> <li>▪ Wetlands.</li> </ul> </li> <li>• Water quality, including: <ul style="list-style-type: none"> <li>▪ Wastewater management.</li> </ul> </li> <li>• Waste and effluent management;</li> <li>• Air quality; and,</li> <li>• Environmental emergencies.</li> </ul>
NRCan	<ul style="list-style-type: none"> <li>• Geology;</li> <li>• Hydrogeology;</li> <li>• Geomorphology;</li> <li>• Surficial geology and Geochemistry; and,</li> <li>• Seismicity/Geohazards.</li> </ul>
Other Departments/Agencies	
INAC	<ul style="list-style-type: none"> <li>• Provide advice in regard to Aboriginal consultation.</li> </ul>
MPMO	<ul style="list-style-type: none"> <li>• Coordinate the development and approval of the Project Agreement;</li> <li>• Monitor and report on the progress of the Project through the federal review;</li> <li>• Take proactive steps to identify opportunities to streamline the federal review to meet government timelines and identify bottlenecks that could cause delay; and</li> <li>• Incorporate information received from the CEA Agency, expert FA(s) RA(s), and proponent on the EA and regulatory milestones into the MPMO Tracker.</li> </ul>