



Canadian Environmental
Assessment Agency

101 - 167 Lombard Avenue
Winnipeg, Manitoba R3B 0T6

Agence canadienne
d'évaluation environnementale

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

October 25, 2011

CEAA File No.: 4974 / MP011-043

MC File No.: 5538.00

Mr. Bruce Webb *BW*
Manitoba Conservation
Environmental Stewardship Division
123 Main Street, Suite 160
Winnipeg, MB R3C 1A5

Dear Mr. Webb:

**SUBJECT: Salt Lake Water Control – R.M. of Strathclair, MB
R.M. of Strathclair**

I am responding to the letter of September 15, 2011 from Tracey Braun, Director, Environmental Assessment and Licensing Branch, Manitoba Conservation to Dan McNaughton, Director, Canadian Environmental Assessment Agency (the Agency) regarding the project identified above.

I have undertaken 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 distributed to all federal departments with a potential interest. Based on the responses to the survey the application of the *Canadian Environmental Assessment Act* (the Act) by a federal authority is required for this project. I have enclosed copies of the received responses for your file.

Transport Canada (TC) has reviewed the project information and determined it is likely a Responsible Authority for this project. Based on the information provided, the proponent will likely require an approval under Section 5(2) or 5(3) of the *Navigable Waters Protection Act* (NWPA) and TC will likely require an environmental assessment under Section 5 of the Act. TC requires additional information from the proponent and the proponent is required to submit an application to the *Navigable Waters Protection Act* (NWPA). Once TC has received the NWPA application and additional information it will be able to determine its role in the environmental assessment process. The contact person for TC is Jennifer Van de Vooren. She can be reached by phone at (204) 983-1140 or by email at Jennifer.Vandervooren@tc.gc.ca. Please see the response from TC attached for your file.

The Department of Fisheries and Oceans Canada (DFO) has reviewed the project proposal and determined the effects of the project will not result in destruction of fish. Should fish mortality occur, a Section 32 Fisheries Act Authorization may be required. Please see the attached email from DFO. The contact for DFO is Sherri Clifford. She can be reached by phone at (204) 622-4073 or by email at Sherrie.Clifford@dfo-mpo.gc.ca.

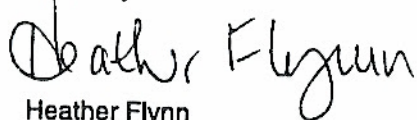
HC has indicated it is not a responsible authority (RA) for the project; however HC could contribute expert knowledge in the area of human health to an RA if requested. The contact person for HC is Rick Grabowecky. He can be reached by email: Rick.Grabowecky@hc-sc.gc.ca.

Environment Canada (EC) has not provided a response yet to the federal review process. You will be informed in writing when EC submits a response to the Agency.

The project information was also shared with Aboriginal Affairs and Northern Development Canada. No other federal interest in this project was received.

Thank you for your effort to ensure coordination and close communication between provincial and federal levels of government. If I can be of further assistance, please feel free to contact me at (204) 984-3233 or by e-mail at: Heather.flynn@ceaa-acee.gc.ca.

Sincerely,



Heather Flynn
Environmental Assessment Officer

Encl.

c.c.: Ms. Shelley Glenn – RM of Strathclair
Mr. Dan Benoit - AANDC
Ms. Jennifer Van de Vooren – TC

Ms. Sherrie Clifford – DFO
Ms. Meghan Thomson - EC
Mr. Rick Grabowecky - HC



Canadian Environmental Assessment Agency

Agence canadienne d'évaluation environnementale

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September 26, 2011

CEAA File No.: 4974 / MP2011-043
MC File No.: 5538.00

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|---|--|---|
| <input type="checkbox"/> MPMO | <input checked="" type="checkbox"/> HC- Rick Grabowecy | <input type="checkbox"/> PARKS - Wendy Botkin |
| <input type="checkbox"/> CTA - John Woodward | <input type="checkbox"/> HR Dev - N/A | <input type="checkbox"/> AAFC - environmental service |
| <input checked="" type="checkbox"/> DFO - Sherri Clifford | <input type="checkbox"/> CNSC - caaainfo | <input type="checkbox"/> CFIA - Scott Thompson |
| <input checked="" type="checkbox"/> INAC - Danielle Black | <input type="checkbox"/> NEB - N/A | <input checked="" type="checkbox"/> TC - PNR EA Team |
| <input checked="" type="checkbox"/> EC - EA South PNR | <input type="checkbox"/> NRCan - EA-SPI/EE-ISP | <input type="checkbox"/> WD - Matt Deutscher |

SUBJECT: Salt Lake Water Control – RM of Strathclair, MB
RM of Strathclair

FCR RESPONSE DUE: October 14th, 2011

In accordance with information-sharing requirements of the *Canada-Manitoba Agreement on Environmental Assessment Cooperation* (the Agreement), the Environmental Assessment and Licensing Branch, Manitoba Conservation (MC) has provided a copy of the above-referenced project proposal for review. The proposal is currently being considered by MC, pursuant to The Environment Act. The project proposal is available for you to download from the CEAA Collaboration Website: <https://collaboration.ceaa-acee.gc.ca/Home.aspx?locale=en-CA&c=1>. It is located in the MB Projects folder. Please indicate (by checking the appropriate box) whether or not your department/agency:

Please indicate (by checking the appropriate box) whether or not your department/agency:

- has, or anticipates, a responsibility under Section 5(1) of CEAA to assess the environmental effects of the project (i.e. are an RA). Yes No
If yes, indicate trigger: _____
- to determine whether, within your departmental mandate, you would be able to offer specialist advice to a Responsible Authority if requested (subsection 12(3) of the Act); and Yes No
Specify as appropriate:
It is DFO's expectation that the effects of this project (including influences to its water quality) will not result in the destruction of fish by means other than fishing. Should fish mortality occur, a Section 32 Fisheries Act Authorization may be required.
- requires additional information to make a determination referred to in a) or b) above. Yes No

If yes, please describe additional information requirements or forward a request within 10 days after making the determination:

- in the absence of a federal trigger, has an interest in the project related to its departmental mandate, and would like to participate in the provincial review (Clause 38(1) of the Agreement). Yes No
If yes, please describe requested involvement i.e. comments for the provincial Guidelines, review of EIS, etc.
- _____
- _____

Please respond to the above questions by October 14, 2011. If your response to any of the above determinations is positive, please provide the name and means of contact for a departmental representative for the review.

Name: Sherri Clifford Telephone: 622-4073
Address: 302 Main St. Fax: 622 1066
Dauphin R2N-1K7
E-mail: Sherri.Clifford@dfo-mpo.gc.ca
Signature: Sherri Clifford Date: Oct. 24/11

Responses and questions can be forwarded to the following:
Name: Heather Flynn Email: Heather.Flynn@ceaa-acee.gc.ca
Tel: 204-984-3233 Fax: 204-983-7174



Canadian Environmental Assessment Agency

Agence canadienne d'évaluation environnementale

101 - 167 Lombard Avenue
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September 26, 2011

CEAA File No.: 4974 / MP2011-043
MC File No.: 5538.00

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|---|---|---|
| <input type="checkbox"/> MPMO | <input checked="" type="checkbox"/> HC- Rick Grabowecky | <input type="checkbox"/> PARKS - Wendy Botkin |
| <input type="checkbox"/> CTA - John Woodward | <input type="checkbox"/> HR Dev - N/A | <input type="checkbox"/> AAFC - environmental service |
| <input checked="" type="checkbox"/> DFO - Sherri Clifford | <input type="checkbox"/> CNSC - ceaainfo | <input type="checkbox"/> CFIA - Scott Thompson |
| <input checked="" type="checkbox"/> INAC - Danielle Black | <input type="checkbox"/> NEB - N/A | <input checked="" type="checkbox"/> TC - PNR EA Team |
| <input checked="" type="checkbox"/> EC - EA South PNR | <input type="checkbox"/> NRCan - EA-SPI/EE-ISP | <input type="checkbox"/> WD - Matt Deutscher |

SUBJECT: Salt Lake Water Control - RM of Strathclair, MB
RM of Strathclair

FCR RESPONSE DUE: October 14th, 2011

In accordance with information-sharing requirements of the *Canada-Manitoba Agreement on Environmental Assessment Cooperation* (the Agreement), the Environmental Assessment and Licensing Branch, Manitoba Conservation (MC) has provided a copy of the above-referenced project proposal for review. The proposal is currently being considered by MC, pursuant to The Environment Act. The project proposal is available for you to download from the CEAA Collaboration Website: <https://collaboration.ceaa-acee.gc.ca/Home.aspx?locale=en-CA&c=1>. It is located in the MB Projects folder. Please indicate (by checking the appropriate box) whether or not your department/agency:

Please indicate (by checking the appropriate box) whether or not your department/agency:

1. has, or anticipates, a responsibility under Section 5(1) of CEAA to assess the environmental effects of the project (i.e. are an RA). _____ Yes _____ No
If yes, indicate trigger: _____

2. to determine whether, within your departmental mandate, you would be able to offer specialist advice to a Responsible Authority if requested (subsection 12(3) of the Act); and _____ Yes _____ No
Specify as appropriate: _____

3. requires additional information to make a determination referred to in a) or b) above. _____ Yes _____ No

If yes, please describe additional information requirements or forward a request within 10 days after making the determination:

_____ Please See ECR Letter _____

4. in the absence of a federal trigger, has an interest in the project related to its departmental mandate, and would like to participate in the provincial review (Clause 38(1) of the Agreement). _____ Yes _____ No
If yes, please describe requested involvement i.e. comments for the provincial Guidelines, review of EIS, etc. _____ N/A _____

Please respond to the above questions by October 14, 2011. If your response to any of the above determinations is positive, please provide the name and means of contact for a departmental representative for the review.

Name: Rick Grabowecky Telephone: (204) 984-8318
Address: 510 Lagimodiere Blvd Fax: (204) 983-5692
WPG, MB
E-mail: rick.grabowecky@hc-sc.gc.ca
Signature: [Signature] Date: Oct 13, 2011

Responses and questions can be forwarded to the following:
Name: Heather Flynn Email: Heather.Flynn@ceaa-acee.gc.ca
Tel: 204-984-3233 Fax: 204-983-7174



Environmental Health Program
Healthy Environments and Consumer Safety Branch
510 Lagimodiere Blvd
Winnipeg, MB R2J 3Y1

October 13, 2011

Our file MB/SK-2011/12-088

Your file MP2011-043

Heather Flynn
Environmental Assessment Officer
Prairie Region
Canadian Environmental Assessment Agency
Suite 101, 167 Lombard Ave
Winnipeg MB R3B 0T6

**Subject: Health Canada's FCR response regarding the Salt Lake Water Control Project-
R. M. of Strathclair, MB**

Dear Ms. Flynn;

Thank you for your notification letter received on September 26, 2011 inquiring about Health Canada's role in the environmental assessment of the aforementioned project under the Federal Coordination Regulations.

Based on the information provided, Health Canada has determined that it is not a Responsible Authority (RA) under Section 5 of the *Canadian Environmental Assessment Act* (the Act) with regards to the present scope of the project.

In the context of subsection 12(3) of the Act, Health Canada currently has expertise in the following biophysical areas related to human health that may apply to the project:

- Air quality health effects
- Contamination of country foods (e.g. fish, wild game, garden produce, berries, etc)
- Drinking and recreational water quality
- Radiological effects
- Electric and magnetic fields effects
- Noise impacts
- Human health risk assessment (HHRA) and risk management


- Federal air, water, and soil quality guidelines/standards used in HHRAs
 - Toxicology (multimedia - air, water, soil), and
 - First Nations and Inuit Health

Should an RA, or a territorial / provincial authority, identify any specific human health concerns with respect to the aforementioned project, Health Canada would be pleased to provide expertise upon request as a Federal Authority, pursuant to subsection 12(3) of the Act, or under a territorial / provincial EA process.

Note that Health Canada now requires a written request prior to providing any expertise in its possession. The request should be specific on the nature of the expertise requested, preferably outlining targeted questions or concerns, and should include the deadline for Health Canada's response. In order to assist us and avoid unnecessary delays, it is suggested that project information such as the scope of project, the scope of the assessment and the subject areas and/or portions of documents to be reviewed be provided at the time of the request for advice, if you have not already done so.

Your written request for expertise should be forwarded to the attention of the undersigned.

Sincerely,



Nicole Laurila on behalf of
Rick Grabowecky, MSc
Regional Environmental Assessment Coordinator
Manitoba - Saskatchewan Region
Health Canada
510 Lagimodiere Blvd.
Winnipeg, MB R2J 3Y1

cc: Stan Hnatiuk, (Health Canada)



Canadian Environmental
Assessment Agency

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Winnipeg, MB R3B 0T8

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September 26, 2011

CEAA File No.: 4974 / MP2011-043
MC File No.: 5538.00

- | | | |
|---|---|---|
| <input type="checkbox"/> MPMO | <input checked="" type="checkbox"/> HC- Rick Grabowecky | <input type="checkbox"/> PARKS - Wendy Botkin |
| <input type="checkbox"/> CTA - John Woodward | <input type="checkbox"/> HR Dev - N/A | <input type="checkbox"/> AAFC - environmental service |
| <input checked="" type="checkbox"/> DFO - Sherri Clifford | <input type="checkbox"/> CNSC - ceaainfo | <input type="checkbox"/> CFIA - Scott Thompson |
| <input checked="" type="checkbox"/> INAC - Danielle Black | <input type="checkbox"/> NEB - N/A | <input checked="" type="checkbox"/> TC - PNR EA Team |
| <input checked="" type="checkbox"/> EC - EA South PNR | <input type="checkbox"/> NRCan - EA-SPI/EE-ISP | <input type="checkbox"/> WD - Matt Deutscher |

**SUBJECT: Salt Lake Water Control - RM of Strathclair, MB
RM of Strathclair**

FCR RESPONSE DUE: October 14th, 2011

In accordance with information-sharing requirements of the *Canada-Manitoba Agreement on Environmental Assessment Cooperation* (the Agreement), the Environmental Assessment and Licensing Branch, Manitoba Conservation (MC) has provided a copy of the above-referenced project proposal for review. The proposal is currently being considered by MC, pursuant to The Environment Act. The project proposal is available for you to download from the CEAA Collaboration Website: <https://collaboration.ceaa-acee.gc.ca/Home.aspx?locale=en-CA&c=1>. It is located in the MB Projects folder. Please indicate (by checking the appropriate box) whether or not your department/agency:

Please indicate (by checking the appropriate box) whether or not your department/agency:

- has, or anticipates, a responsibility under Section 5(1) of CEAA to assess the environmental effects of the project (i.e. are an RA). NUPA - S.5 Yes No
If yes, indicate trigger: _____
- to determine whether, within your departmental mandate, you would be able to offer specialist advice to a Responsible Authority if requested (subsection 12(3) of the Act); and Yes No
Specify as appropriate: _____
- requires additional information to make a determination referred to in a) or b) above. Yes No
If yes, please describe additional information requirements or forward a request within 10 days after making the determination: NUPA application with construction drawings and elevations
- in the absence of a federal trigger, has an interest in the project related to its departmental mandate, and would like to participate in the provincial review (Clause 38(1) of the Agreement). Yes No
If yes, please describe requested involvement i.e. comments for the provincial Guidelines, review of EIS, etc. _____

Please respond to the above questions by October 14, 2011. If your response to any of the above determinations is positive, please provide the name and means of contact for a departmental representative for the review.

Name: Jennifer Vandevoren Telephone: 204-983-1140
Address: 344 Edmonton St. Fax: 204-983-5048
Winnipeg, MB R3B 0T8
E-mail: jennifer.vandevoren@tc.gc.ca
Signature: J. Vandevoren Date: Sept. 28, 2011

Responses and questions can be forwarded to the following:
Name: Heather Flynn Email: Heather.Flynn@ceaa-acee.gc.ca
Tel: 204-984-3233 Fax: 204-983-7174



Transport
Canada

Transports
Canada

Prairie and Northern Region
344 Edmonton Street
Winnipeg, Manitoba R3C 0P6

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

October 7, 2011

Attention: Heather Flynn

Our File: 6-330
Your File: 4974/MP2011-043
MC File No: 5538.00

**Subject: Salt Lake – Water Control Structure, RM of Strathclair, Manitoba
Federal Coordination Referral Response**

Transport Canada has reviewed the project information provided regarding the water control plans for Salt Lake and the surrounding area. Based on the information provided, the project is likely to require an approval under Section 5(2) or 5(3) of the *Navigable Waters Protection Act* (NWPA) and we will likely require an environmental assessment of the project under Section 5 of the *Canadian Environmental Assessment Act*.

Additional information and construction details are required regarding all works on or near navigable waterways. Specific information regarding the timing of water releases, proposed new water levels and impacts to navigation are required. The proponent is required to submit applications to Transport Canada's Navigable Waters Protection Program (NWPP) for all proposed works affecting navigable waters, even if the work is downstream from a navigable waterway. For additional information regarding the NWPA application process please call 780-495-8215. Please note that the NWPP has recently developed a new NWPA application form; a copy is attached for your reference.

Once the additional information has been received, Transport Canada will review the proposed project with respect to the *Navigable Waters Protection Act* and will be able to confirm our role in the environmental assessment process.

Please call me at (204) 983-1140 if you have any questions regarding Transport Canada's involvement with this project.

Sincerely,

Jennifer Van de Vooren
Environmental Officer

Phone (204) 983-1140
Fax (204) 983-5048
jennifer.vandevooren@tc.gc.ca



Canadian Environmental Assessment Agency

Agence canadienne d'évaluation environnementale

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Winnipeg, MB R3B 0T6

Department of Environment

PO Box 9870

Winnipeg

September 26, 2011

CEAA File No.: 4974 / MP2011-043
MC File No.: 5538.00

*NOTE:
PLEASE
CHANGE TO
AAEDC
FROM
ENAC.*

- | | | |
|---|--|---|
| <input type="checkbox"/> MPMO | <input checked="" type="checkbox"/> HC- Rick Grabowecy | <input type="checkbox"/> PARKS - Wendy Botkin |
| <input type="checkbox"/> CTA - John Woodward | <input type="checkbox"/> HR Dev - N/A | <input type="checkbox"/> AAFC - environmental service |
| <input checked="" type="checkbox"/> DFO - Sherri Clifford | <input type="checkbox"/> CNSC - ceainfo | <input type="checkbox"/> CFIA - Scott Thompson |
| <input checked="" type="checkbox"/> INAC - Danielle Black | <input type="checkbox"/> NEB - N/A | <input checked="" type="checkbox"/> TC - PNR EA Team |
| <input checked="" type="checkbox"/> EC - EA South PNR | <input type="checkbox"/> NRCAN - EA-SPVEE-ISP | <input type="checkbox"/> WD - Matt Deutscher |

SUBJECT: Salt Lake Water Control - RM of Strathclair, MB
RM of Strathclair

FCR RESPONSE DUE: October 14th, 2011

In accordance with information-sharing requirements of the *Canada-Manitoba Agreement on Environmental Assessment Cooperation* (the Agreement), the Environmental Assessment and Licensing Branch, Manitoba Conservation (MC) has provided a copy of the above-referenced project proposal for review. The proposal is currently being considered by MC, pursuant to The Environment Act. The project proposal is available for you to download from the CEAA Collaboration Website: <https://collaboration.ceaa-acee.gc.ca/Home.aspx?locale=en-CA&c=1>. It is located in the MB Projects folder. Please indicate (by checking the appropriate box) whether or not your department/agency:

Please indicate (by checking the appropriate box) whether or not your department/agency:

- has, or anticipates, a responsibility under Section 5(1) of CEAA to assess the environmental effects of the project (i.e. are an RA). Yes No
If yes, Indicate trigger: _____
- to determine whether, within your departmental mandate, you would be able to offer specialist advice to a Responsible Authority if requested (subsection 12(3) of the Act); and Yes No
Specify as appropriate: _____
- requires additional information to make a determination referred to in a) or b) above. Yes No
If yes, please describe additional information requirements or forward a request within 10 days after making the determination: _____
- in the absence of a federal trigger, has an interest in the project related to its departmental mandate, and would like to participate in the provincial review (Clause 3B(1) of the Agreement). Yes No
If yes, please describe requested involvement i.e. comments for the provincial Guidelines, review of EIS, etc.
** PLEASE CONTACT LOCAL FNS AND METIS GROUPS TO DISCUSS PROJECT*

Please respond to the above questions by **October 14, 2011**. If your response to any of the above determinations is positive, please provide the name and means of contact for a departmental representative for the review.

Name: DANIEL BENOIT Telephone: 983-4886
Address: 200-365 WAREHAM ST. WPG-MB Fax: _____
E-mail: Daniel.Benoit@canada.ca
Signature: [Signature] Date: Sept 27/11

Responses and questions can be forwarded to the following:
Name: Heather Flynn Email: Heather.Flynn@ceaa-acee.gc.ca
Tel: 204-984-3233 Fax: 204-983-7174

From: Daniel Benoit
To: heather.flynn@ccaa-acee.gc.ca
CC: Black, Danielle
Date: 9/27/2011 9:20 AM
Subject: Salt Lake Water Control project

Hi Heather

There was no attached FCR.

I have reviewed the document and AANDC will not be triggered

However, the report is totally silent on traditional or ongoing land use for traditional purposes by local FNs and Metis groups. Given the potential changes to these lakes and surrounding area, I would urge the proponent, Manitoba, to discuss this project with the FNs and Metis in the area.

Thanks

Dan

Daniel Benoit
Senior Environmental Specialist
Lands and Economic Development- Environmental Planning and Management Unit
AANDC- Manitoba Region
Tel: 204 983-4886
Fax: 204 983-2936



NAVIGABLE WATERS PROTECTION ACT REQUEST FOR WORK APPROVAL

All fields marked with an (*) must be completed

File no:

This is my first request for Transport Canada to review this project.

Yes

No

NOTE: A Minor Works Self Assessment may be required.

Owner Contact Information		I am the property owner or have secured permission from property owner <input type="checkbox"/> Yes <input type="checkbox"/> No		This is a crown work <input type="checkbox"/> Yes <input type="checkbox"/> No	
Full name/company *					
Street no. *		Street *			
City/Town *			Province/Territory *		Postal code *
Telephone no. (home) *	Telephone no. (work) *	Telephone no. (other) *	Fax no.	E-mail	
Representative (contractor/consultant/agent if any)					
Name					
Street no.		Street			
City/Town			Province/Territory		Postal code
Telephone no. (home)	Telephone no. (work)	Telephone no. (other)	Fax no.	E-mail	
Work Site Location					
Municipality/District/County *			Province/Territory *		
Site description *					
Coordinates					
Work site: Latitude _____ ° _____ ' _____ " N Longitude _____ ° _____ ' _____ " W					
Source of coordinates: <input type="checkbox"/> Topo(s) <input type="checkbox"/> Chart(s) <input type="checkbox"/> GPS <input type="checkbox"/> Other (describe): _____					

Official and/or local name of waterway *		
Description of known waterway use		
Vessel type(s)	Maximum vessel size <input type="checkbox"/> Length _____ <input type="checkbox"/> Width _____ <input type="checkbox"/> Depth _____	
Day/Night use <input type="checkbox"/> Day <input type="checkbox"/> Night <input type="checkbox"/> Both	Amount of vessel traffic <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High	Time of year <input type="checkbox"/> Winter <input type="checkbox"/> Spring <input type="checkbox"/> Summer <input type="checkbox"/> Fall
Basic Project Description		
Brief description of your project *		
Proposed start and end date (dd-mm-yyyy) *: _____		Date of original construction (dd-mm-yyyy): _____
Summary of Required Supporting Documents (be sure to include all the following supporting documents with your submission)		
<p style="text-align: center;">Mandatory Information*</p> <p><input type="checkbox"/> Project description (complete Basic Project Description or provide an annex as required)</p> <p><input type="checkbox"/> Completed and signed Application form</p> <p>Provide six copies of 11" X 17":</p> <p><input type="checkbox"/> Map showing exact location of the work</p> <p><input type="checkbox"/> Plan view drawings with dimensions</p> <p><input type="checkbox"/> Profile view drawings with dimensions</p>	<p style="text-align: center;">Supporting Information</p> <p><input type="checkbox"/> Photographs of the work site</p> <p><input type="checkbox"/> Environmental Assessment documents (if any)</p> <p><input type="checkbox"/> Aboriginal consultation results (if any)</p> <p><input type="checkbox"/> Executive summary of large project description</p> <p><input type="checkbox"/> Water lot lease information</p> <p><input type="checkbox"/> Other agency submissions made/received</p>	
Date (dd-mm-yyyy) *: _____	Signature *: _____	
For office use	Date stamp: _____	

The personal information provided on this form is collected under the authority of sections 5, 6, 10 and 11 of the *Navigable Waters Protection Act*. This information is required for the purpose of ensuring that works that are built or placed in, on, over, under, through or across any navigable water in Canada are approved. The personal information collected is described in a personal information bank entitled Navigable Waters Protection Program (bank number TC PPU 086). Under the provisions of the *Privacy Act*, individuals have the right of access to, correction of and protection of their personal information. Instructions for obtaining personal information are provided in Info Source, a copy of which is available in major public and academic libraries or on line at <http://www.infosource.gc.ca>.

Webb, Bruce (CON)

From: Flynn, Heather [CEAA] [Heather.Flynn@ceaa-acee.gc.ca]
Sent: November-09-11 1:30 PM
To: Webb, Bruce (CON); Van de Vooren, Jennifer
Subject: Salt Lake Water Control Project, comments form EC (4974)
Attachments: FCR-Salt Lake Water Control.pdf

Hi there,

Please find attached EC's FCR response letter for the Salt Lake Water Control project.

Jennifer - has TC determined if an EA is required? And, do you want me to forward the comments to the proponent?

Thanks,

Heather

Heather Flynn, MSc.

Environmental Assessment Officer, Prairie Region | Agente d'évaluation environnementale, Région des Prairies
Canadian Environmental Assessment Agency | Agence canadienne d'évaluation environnementale
Suite 101, 167 Lombard Ave Winnipeg MB R3B 0T6 | 167, avenue Lombard, bureau 101 Winnipeg MB R3B 0T6
heather.flynn@ceaa-acee.gc.ca
Telephone | Téléphone 204-984-3233
Facsimile | Télécopieur 204-983-7174
Government of Canada | Gouvernement du Canada

From: Thomson, Meghan [Wpg]
Sent: Wednesday, November 09, 2011 9:24 AM
To: Flynn, Heather [CEAA]
Subject: 4974 EC FCR Response Letter (2011-11-09)

Hello,
I have attached Environment Canada's comments for the above mentioned project.
<<FCR-Salt Lake Water Control.pdf>>
Thank you,

Meghan Thomson

Environmental Assessment Intern | Stagiaire d'évaluation environnemental
Environmental Protection Operations | Activités de protection de l'environnement
Environment Canada | Environnement Canada
Prairie and Northern Region | Région des prairies et du nord
123 Main Street | 123 rue Main, pièce 150
Winnipeg MB R3C 4W2
Meghan.thomson2@ec.gc.ca
Téléphone 204-984-3316
Télécopieur 204-984-3316
Gouvernement du Canada
Site Web www.ec.gc.ca

Webb, Bruce (CON)

From: Flynn, Heather [CEAA] [Heather.Flynn@ceaa-acee.gc.ca]
Sent: November-09-11 2:30 PM
To: Strathclair, R.M. ; Webb, Bruce (CON)
Subject: Salt Lake Water Control Project: Environment Canada Comments (4974 2011-11-09)
Attachments: 4974 EC FCR Response Letter (2011-11-09).pdf (2).pdf

Good afternoon,

Please find attached a letter from Environment Canada, with comments for you pertaining to the Salt Lake Water Control project.

If you have any questions about the comments please consult with Environment Canada directly.

If you have any questions related to the environmental process feel free to contact me directly.

<<4974 EC FCR Response Letter (2011-11-09).pdf (2).pdf>>

Regards,

Heather

Heather Flynn, MSc.

Environmental Assessment Officer, Prairie Region | Agente d'évaluation environnementale, Région des Prairies
Canadian Environmental Assessment Agency | Agence canadienne d'évaluation environnementale
Suite 101, 167 Lombard Ave Winnipeg MB R3B 0T6 | 167, avenue Lombard, bureau 101 Winnipeg MB R3B 0T6
heather.flynn@ceaa-acee.gc.ca
Telephone | Téléphone 204-984-3233
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Environment Environment
Canada Canada

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

Our File No.: 4194-10-5/3224
Your File No.: 4974 MP2011-043

October 17, 2011

BW

Ms. Heather Flynn
Environmental Assessment Officer
Prairie Region
Canadian Environmental Assessment Agency
Suite 101, 167 Lombard Ave
Winnipeg MB R3B 0T6

Dear Ms. Flynn

RE: SALT LAKE WATER CONTROL

Environment Canada (EC) has reviewed the Hydrological Assessment for Flood Control Planning and Environmental Impact Assessment (EIA) prepared by Bob Sheedy for the above proposed project. EC is not a Responsible Authority (RA) under the *Canadian Environmental Assessment Act (CEAA)* because:

- a) EC is not a proponent of the project and is not conducting any act or thing that commits the department to carrying out the project in whole or in part;
- b) EC is not making or authorizing any form of payment or other financial assistance to the proponent for the purpose of enabling the project to be carried out in whole or in part;
- c) EC does not administer any lands involved in enabling the project to be carried out in whole or in part; and
- d) EC does not issue a permit, license, grant an approval or take any action for the purpose of enabling the project to be carried out in whole or in part.

EC is prepared to provide specialist advice or expert information or knowledge on the proposal as per subsection 12(3) of the *CEAA* with a focus on federal statutes, regulations, policy, and associated program concerns as defined by EC's mandate. At this time EC has the following four comments:

(1) Migratory Birds

The section titled Impact on Wildlife Conclusions, page 20 of the EIA, states that, "All three lakes are an important area for migratory waterfowl and shore birds". The *Migratory Birds Convention Act (MBCA)* protects migratory birds and their eggs and nests. EC would like to remind the proponent that the clearing of any vegetation or construction in areas where migratory birds may be nesting should be planned outside the May 1 to July 31 time period. If clearing or construction must take place within this timeframe, the proponent must hire a qualified avian biologist or naturalist to survey the area and confirm that no active nests are present. If nests are found or indicated nests then they should be provided with a species suitable buffer until the young have fledged.

The proponent should also be reminded that the deposit of oil, oil wastes, or any other substances that are harmful to migratory birds in any area frequented by migratory birds is prohibited.

(2) Species at Risk

The section entitled Impact on Wildlife (Mammalian), page 17 of the EIA, states that, "No rare or endangered mammals were observed". The proponent does not indicate whether or not a species at risk survey was conducted by a qualified wildlife biologist. The proponent also fails to mention if a survey for rare and native vegetation was conducted. **EC recommends that a survey for rare and native vegetation is conducted for the proposed project area by a qualified biologist. EC requests the opportunity to review the survey results and the corresponding proposed mitigations.**

Canada

Environment Canada reminds responsible authorities of their responsibilities under section 79(1) and 79(2) of the *Species at Risk Act*.

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

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

(3) Land and Vegetation

The section entitled 'Overview of Proposed Trenching and Maintenance Development', page 29, states that, "a trench be excavated spanning the distance from the south end of Center Salt Lake... A service road would be built with part of excess excavation material to create a protective berm along eastern flank of trench". EC is unclear as to how much land will be affected by the excavation of the trench and the construction of a service road. EC does not recognize the necessity of the protective berm along the eastern flank of the trench. **EC requests a description of the berms purpose as well as information regarding when the service road will be used and who is expected to have access to it. EC requests a project description that details, but is not limited to, : the project schedule, the amount of land that will be impacted by the project, the amount of clearing that will be done, how much vegetation will be removed, the length of the completed trench and access road, the proximity of any construction activities to water, and the necessary corresponding mitigation.**

EC would also like to draw the proponents attention to the section entitled 'About the 2 Main Maps', the two main maps referenced in this section were not included in the Hydrological Impact Study nor the Environmental Impact Assessment. **EC request the opportunity to review the maps described in the above mentioned section.**

(4) Water Quality

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

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

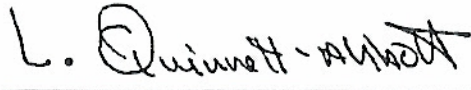
Given that, despite any approvals that may be issued, there is no authorization for the deposit of material such as noted above under the *Fisheries Act*. The depositing of such substances would be in contravention of the general prohibition. Therefore, given further that subsection 78(6) of the *Fisheries Act* also indicates that:

"No person shall be convicted of an offense under this Act if the person establishes that the person
a) exercised all due diligence to prevent the commission of the offense..."

It would be prudent for the Responsible Authority to ensure the proponent demonstrates that all reasonable measures to prevent the deposit of deleterious substances are being exercised. As such, it is recommended that the proponent document and demonstrate the dynamic application of best practicable technology, including mitigation technology and the use of best management practices for the proposed construction.

EC looks forward to continued dialogue and co-operation with respect to this Project. EC may also have additional questions and recommendations upon receipt of the above requested information. If you have any questions, please call Meghan Thomson at (204) 984 3316 or me at (306) 780-6401.

Sincerely,

A handwritten signature in black ink that reads "L. Quinnett-Abbott". The signature is written in a cursive style and is positioned above a horizontal line.

Lynne Quinnett-Abbott
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