



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

June 16, 2011

CEAA File No.: 4777 / MP-2011-025
MC File No.: 5524.00

Ms. Elise Dagdick
Manitoba Conservation
Environmental Stewardship Division
123 Main Street, Suite 160
Winnipeg, MB R3C 1A5

Dear Ms. Dagdick:

**Subject: Duck Mountain Provincial Park ATV Trail – Duck Mountain, MB
Parks and Natural Areas Branch**

I am responding to the letter of May 19, 2011 from Ms. Tracey Braun, Director, Environmental Assessment and Licensing Branch, to Dan McNaughton, Director, Prairie Region, Canadian Environmental Assessment Agency (the Agency), regarding the project identified above.

The project information provided by Manitoba Conservation was reviewed by the Agency and was shared with the Department of Fisheries and Oceans and Environment Canada. Based on the responses to the survey the application of the *Canadian Environmental Assessment Act* (the Act) by a federal authority will not be required for this project. I have enclosed copies of the relevant responses for your file.

Environment Canada (EC) has reviewed the project information and has indicated it has an interest in this project. EC has provided a letter of comments and advice for the Proponent. EC would like more information on any Species at Risk, rare plants or wetland surveys conducted in the area of the proposed route. EC has noted its concerns in the following four areas:

1. Species at Risk
2. Water Quality
3. Biodiversity
4. Wetlands

EC would like to be kept informed of the provincial review process for this project. The contact person for EC for this project is Reg Ejeckam. He can be reached at (204) 984-3522 or by email: Reg.Ejeckam@ec.gc.ca.

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

Sincerely,

Heather Flynn
Environmental Assessment Officer

Encl.

c.c.: Ms. Cathy Hummelt – Manitoba Parks
Ms. Sherri Clifford – DFO

Mr. Reg Ejeckam – EC



Environment Canada
Environnement Canada

Canadian Environmental
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Agence canadienne
d'évaluation environnementale
Winnipeg

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

Our File No.: 4194-10-5/3200
Your File No.: 4777 / MP2011-025

May 24, 2011

Ms. Heather Flynn,
Environmental Assessment Officer, Prairie Region
Canadian Environmental Assessment Agency
101-167 Lombard Avenue
Winnipeg, Manitoba R3B 0T6
Canada

Dear Ms. Flynn

RE: Duck Mountain Provincial Park ATV Trail Project

Environment Canada (EC) has reviewed the Environment Act Proposal (EAP) prepared by Manitoba Conservation, Parks and Natural Areas Branch 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.

Environment Canada has reviewed the information for the above proposed project and has determined that EC has an interest in the project and would like to participate in the provincial review of the proposed project consistent with the intent of clause 62 of the Canada-Manitoba Agreement on Environmental Assessment Co-operation.

After the review of the Environment Act Proposal project description, it is not clear to EC whether there was a Species at Risk survey of the proposed trail to determine where there are SAR along the route. In addition there does not seem to be any indication of rare plants survey along the route. EC provides the following comments.

1.0 Species at Risk

Section 5.1 Mapping of the proponent's Environment Act Proposal indicates that, through the use of Geographic Information System (GIS) mapping, locations and places of ecological value will be noted along the trails and will be protected from project development. This section lists critical wildlife habitat,

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rare species, and species at risk, among other things, that will be protected from the impacts of trail development. However, there is no indication that a survey was or will be conducted by a qualified wildlife biologist to identify these. EC acknowledges the intended effort, however, recommends that **the proponent conducts a SAR and rare plants survey in order to identify the species at risk and rare species along the proposed ATV route in the Provincial Park.**

2.0 Water Quality

With respect to the construction activities, the water related issues indicated by the proponent consider the construction of stream crossings. The proponent indicated that DFO guidelines will be followed for this construction. The proponent is reminded compliance with subsection 36(3) of the *Fisheries Act* is mandatory. It states that:

"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 in place under conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter such water."

Given that, despite any approvals that may be issued, there is no authorization for the deposit of materials such as noted above under the *Fisheries Act*; their deposit would be in contravention of this 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 offence...."

It would be prudent for the proponent to demonstrate that all reasonable measures to prevent the deposit of deleterious substances are being exercised. As such, **EC recommends that the proponent document the dynamic application of best practicable technology, including mitigation technology and of best management practices for the proposed Duck Mountain Provincial Park ATV Trail Project.**

3.0 Biodiversity


EC recognizes the proposed mitigation measures to construct trails away from sensitive areas and suggests that critical wildlife habitat is avoided and fragmentation by ATV trail construction is limited. The proponent is reminded of the importance of protecting natural biodiversity. **EC recommends that the proponent follow through with all mitigation measures proposed in the Environment Act Proposal to protect the native prairie species and natural biodiversity within and adjacent to the project areas.**

4.0 Wetlands

The *Federal Policy on Wetland Conservation (FPWC)* promotes "the conservation of Canada's wetlands to sustain their ecological and socio-economic functions, now and in the future." The policy promotes the wise use of wetlands and the promotion of wetland protection through adequate consideration of wetland concerns in environmental assessments of development projects. The policy also promotes the maintenance of the functions and values derived from wetlands throughout Canada, enhancement and rehabilitation of wetlands in areas where continuing loss or degradation have reached critical levels, and utilization of wetlands in a manner that enhances prospects for their sustained and productive use by future generations. It is therefore imperative that the planning and designing of a project is made to avoid, minimize, and as a last resort, compensate any impacts made to wetlands. The proponent did not identify any wetlands in the EAP, however, it is encouraged to be aware of the federal Policy on Wetlands.

EC looks forward to continued dialogue and co-operation with respect to this project. If and when any SAR, rare plants or wetland surveys are conducted, EC would like the opportunity to review these survey reports. If you have any questions, please call Meghan Thomson at (204) 984 3316 or myself at (204) 984 3522.

Sincerely,



Reg Ejeckam

Senior Environmental Assessment Coordinator

Environment Canada

Winnipeg, MB

Fax: (204) 983-0960

Phone: (204) 984-3522

Reg.Ejeckam@ec.gc.ca



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May 19, 2011

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- | | | |
|---|--|---|
| <input type="checkbox"/> MPMO | <input 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 - Jeff Moyer | <input type="checkbox"/> CNSC - ceaainfo | <input type="checkbox"/> AAFC - Bret Ward |
| <input type="checkbox"/> INAC - Danielle Black | <input type="checkbox"/> NEB - N/A | <input 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"/> CFIA - Scott Thompson |

**SUBJECT: Duck Mountain Provincial Park ATV Trail – Duck Mountain, MB
Parks and Natural Areas Branch**

FCR RESPONSE DUE: June 27, 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.

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 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 forward comments

Please respond to the above questions by **June 27, 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: 101-1st Ave NW Fax: _____
Dauphin MB
E-mail: Sherri.clifford@dfo-mpo.gc.ca
Signature: Sherri Clifford Date: June 9/11

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



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June 16, 2011

CEAA File No.: 4777 / MP-2011-025
MC File No.: 5524.00

Ms. Cathy Hummelt
Manitoba Conservation
Parks and Natural Areas Branch
Box 53, 200 Saulteaux Crescent
Winnipeg, MB R3J 3W3

Dear Ms. Hummelt:

**Subject: Duck Mountain Provincial Park ATV Trail – Duck Mountain, MB
Parks and Natural Areas Branch**

The Environmental Assessment and Licensing Branch of Manitoba Conservation forwarded copies of your proposal to the regional office of the Canadian Environmental Assessment Agency (the Agency). Manitoba Conservation requested that the Agency, on behalf of federal government departments, identify any environmental assessment requirements that would exist under the *Canadian Environmental Assessment Act* (the Act) with respect to your project.

The project information provided by Manitoba Conservation was reviewed by the Agency and was shared with the Department of Fisheries and Oceans and Environment Canada. Based on the responses to the survey the application of the *Canadian Environmental Assessment Act* (the Act) by a federal authority will not be required for this project. I have enclosed copies of the relevant responses for your file.

Environment Canada (EC) has reviewed the project information and has indicated it has an interest in this project. EC has provided a letter of comments and advice for you to review. EC has also indicated it would like more information on any Species at Risk, rare plants or wetland surveys conducted in the area of the proposed route. EC has noted its concerns in the following four areas:

1. Species at Risk
2. Water Quality
3. Biodiversity
4. Wetlands

The contact person for EC for this project is Reg Ejeckam. He can be reached at (204) 984-3522 or by email: Reg.Ejeckam@ec.gc.ca.

This letter is not an approval to construct. Provincial requirements will be identified separately following the review coordinated by Manitoba Conservation, to whom the Environment Act proposal for the project was originally submitted. Construction activities should not begin until you receive notification from Manitoba Conservation (Environmental Assessment and Licensing Branch), and all concerns and requirements have been met. If you have any questions concerning the Act or its Regulations, please feel free to contact me by telephone at (204) 984-3233 or by email at: Heather.Flynn@ceaa-acee.gc.ca.

Sincerely,

Heather Flynn
Environmental Assessment Officer

Encl.

c.c.: Ms. Elise Dagdick – MC