

SUMMARY REPORT

PROPONENT:

Berger Group Ltd.

PROPOSAL NAME:

St. Labre Bog

CLASS OF DEVELOPMENT:

Two

TYPE OF DEVELOPMENT:

Mining

CLIENT FILE NO.:

4673.0

OVERVIEW:

An Environment Act Proposal, dated July 16, 2001, respecting a peat mining proposal submitted by Berger Group Ltd., was received by the Department on August 3, 2001.

Berger proposes to develop a peat bog located on Section 22 to 27 and 34 to 36, Township 6, Range 12 EPM, within the R.M. of Reynolds. The bog is referenced as the St. Labre Bog. In addition, the Proposal includes the extension of an existing access/haulage road and the construction of a road through the bog, with drainage waters from the mine site to be released to the Whitemouth River.

The Proposal was advertised in the Steinbach Carillon on September 24, 2001. As well, copies of the Proposal were placed in Public Registries at: the Union Station Library (123 Main) in Winnipeg; the Centennial Public Library in Winnipeg; Manitoba Eco-Network; and the Jake Epp Public Library. The closing date for the receipt of public comments was specified as October 23, 2001.

Copies of the Proposal were also sent to the applicable members of the interdepartmental Technical Advisory Committee for their review and comment by no later than October 23, 2001.

COMMENTS FROM THE PUBLIC:

Al Chartier and Joyce McKay filed a concern related to a campground they owned downstream on the Whitemouth River. They wanted to know what impact the drainage waters into the Whitemouth River would impart, and if the drainage waters would affect the quality of the river water.

Disposition:

The comments were referred to the proponent for response. A copy of the proponent's response to all of the public and TAC concerns was sent by mail to Al Chartier and Joyce McKay. No further concerns were expressed.

R.M. of Reynolds commented that the Council had concerns associated with the proposal, and that they wanted to meet with representatives of Manitoba Conservation and the Berger Group Ltd. in order to obtain further details on the project.

Disposition:

The comments were relayed to the proponent. A meeting was arranged and held at 123 Main St. and included representation by some councillors from the R.M. of Reynolds, Manitoba Conservation, Berger Group Ltd., Wardrop Consultants, TetrES Consultants, and Fisheries and Oceans. Presentations were made and information was exchanged. A copy of the proponent's responses to all of the public and TAC concerns was sent by mail to the R.M. of Reynolds. The R.M. of Reynolds replied with the request that the commitments made by Wardrop Engineering, on behalf of Berger Group Ltd., be reflected as terms and conditions in the Environmental Licence.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Historical Resources commented that they had no concerns in regards to the proposal.

Mines Branch commented that the proponent has acquired the appropriate Quarry Leases under The Mines and Minerals Act, and that he also need to file a Closure Plan in accordance with the requirements of Manitoba Regulation 67/99 before commencing any mining.

Disposition:

MR 67/99 is referenced in the draft licence.

Sustainable Resource Management commented:

- This proposal, if developed as described, is likely to cause harmful alteration, disruption or destruction to fish habitat through changes in surface water contributions from the project area to the Whitemouth River.
- There are concerns with the proximity of the access road and the finished goods and storage area to the river.
- Fisheries and Oceans should carry out a review of this proposal.
- Loss of wildlife habitat is referenced due to the clearing of trees, but no consideration has been given to the loss of habitat from the draining of the bog into the adjacent habitat.
- Can the proponent provide any information on the success of transplantation work conducted elsewhere? Will the proponent assess the success of their own transplantation program? Has the proponent approached the Eastern Wildlife Manager for involvement in the transplantation work?
- Is the proponent meaning to imply that an increase in nutrients to the Whitemouth River will have no impact?
- Will the sedimentation ponds be used to handle only water from the bog road ditches or will water drained from the peat harvest areas also be channeled through the ponds?
- It may be better to consult an ecology restoration specialist in advance rather than after applied mitigation methods are found to be unsuccessful.
- An effort should have been made to establish sampling stations for the vegetation and wildlife surveys over the entire area, not just the northwest corner, in that the obtained observations may not be representative of the entire project area.
- Some form of bird survey to provide information on the nesting populations present in the area would have proved useful.
- The vegetation survey methods do not indicate where the plots were located, how many in each forest stand area, how large and whether they are permanent for future observations.
- Appendix 1 of the wildlife and vegetation evaluation section should distinguish between those plant species found within the boundaries of the project area and those found adjacent to the project area.
- Describing the moss and vascular plant species diversity as low is somewhat erroneous. It may actually be high when compared to other bogs in the region.

Disposition:

The comments were referred to the proponent for their information. The proponent's responses

to the comments were in turn referred back to Sustainable Resource Management. In response, Sustainable Resource Management stated that since the date of the submission of Berger's Proposal, there has been a change in the COSEWIC (Committee on the Status of Endangered Wildlife in Canada) status of the Manitoba population of the rosyface shiner that is known to occur only in the Whitemouth River. The Manitoba population of the rosyface shiner was redesignated from "special concern" to "threatened". Furthermore, if the Species at Risk Act is passed in parliament in the near future, it will mean that all threatened species will be subject to Federal protection if the existing protection is not adequate. As well, their comments also indicated that since the vegetation survey in the original proposal only addressed the extreme northwest corner of the project, the proponent should make an effort to survey each phased-in area for rare species prior to preparing the area for resource extraction and during the growing season. The comments were passed on to Berger Group Ltd. Where possible, the concerns and recommendations have been addressed in the draft licence.

Water Quality Management commented that in addition to the Whitemouth River, the Unmamed Creek also requires protection, and as such should also be monitored for impacts stemming from the overland discharges.

Disposition:

The draft Licence addresses this concern.

Manitoba Highways & Government Services stated that they have no objections to the Proposal, but recommended that a condition be placed on this Development that would require the proponent to upgrade or relocate the existing access onto PR 505 to safely accommodate the increased traffic volumes. If undertaken, such works would require a permit from Manitoba Highways.

Disposition:

The comments were referred to the proponent, and were taken into consideration in the draft Licence.

Canadian Environmental Assessment Agency (CEAA) commented that the Department of Fisheries and Oceans notified them that an environmental assessment under The Canadian Environmental Assessment Act will be required by the Department of Fisheries and Oceans.

Disposition:

The comments were brought to the attention of the proponent.

Environmental Protection of Environment Canada commented that:

- It is unclear if the design of the sedimentation ponds takes into account additional flows that might occur due to high precipitation events.
- Although the configuration of sedimentation ponds is not specifically discussed, it appears that the ponds may be operated in series. A parallel configuration may offer more operational flexibility.
- Increased nutrient loadings to the Whitemouth River are a concern. It would be helpful if additional data were provided on predicted phosphorous concentrations and loadings to the sedimentation ponds, as well as the expected concentrations and loadings to the river following overland discharge.

Disposition:

The comments were brought to the attention of the proponent for response. The proponent's responses were satisfactorily received.

Fisheries and Oceans Canada commented by outlining information needed to clarify the proposal in terms of the impact that it may have upon fish habitat. The Proponent was asked for:

- details on the culvert installation in the unnamed creek, including erosion and sediment control plans during and after installation;
- design details of the crossing approaches;
- description of the extent of infill in the unnamed creek;
- description of how the proposed culvert meets the design criteria for fish passage required in the *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat*;
- identification of the locations of the 4 other culverts on the existing access road mentioned on page 51, together with details on the ultimate fate of the water flowing through the roadside ditches;
- an indication of how much of the drainage water will flow overland (away from the Whitemouth R.) and how much will flow into the Whitemouth R.;
- construction details for the sedimentation ponds;
- information about the physical habitat that may be impacted in the Whitemouth River by discharge from the sedimentation ponds.
- information on any impact on the unnamed creek in the future years (beyond) Phase IV) when the headwaters in the northeast section of the QL #1415 will be drained;
- a map of the storage area relative to the Whitemouth River;
- information on the extent and type of buffer zone to be provided between the storage area and the Whitemouth River;
- information on the potential for air-borne deposition of peat into the Whitemouth River;
- information on the fate of drainage from the storage area; and
- an identification and assessment of the cumulative impacts on the local hydrology due to similar projects in the area.

Disposition:

The comments were brought to the attention of the proponent for response. On July 29, 2002, Berger Group Ltd. responded to the issues raised by the Department of Fisheries & Oceans Canada (DFO). Their report was referred to DFO for their review and comment. DFO continued to express concerns about the uncertainty of the nature of crossing proposed for the access/haulage road at Unnamed Creek. Berger Group Ltd. therefore supplemented their response of July 29, 2002, with additional information dated October 4, 2002, wherein compliance with the Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat (DFO and MNR, 1996) was assured, and a commitment was made to DFO to supply them with any proposed design details as soon as they are developed. On October 12, 2002, DFO sent additional comments to MB Conservation outlining conditions they would want to see incorporated into the Licence, specifically:

- since Unnamed Creek has been determined to be navigable, a stream crossing would require an application to be filed under the Navigable Waters Act;
- DFO has some concerns with the discharge channel and its outfall structure at the Whitemouth River and would therefore want to be kept apprised of the design details as they become available;
- DFO want to see a 100 metre buffer strip along the Whitemouth River (as a condition of the licence), which would include the access road not infringing on the 100 metre buffer; and
- DFO expect a monitoring program to be a requirement of the Licence.

DFO's concerns have been addressed in the draft Licence.

PUBLIC HEARING:

Nobody requested that the Clean Environment Commission hold a public hearing on this proposed development.

RECOMMENDATION:

A draft Environment Act Licence, authorizing the construction and operation of the proposed Development is attached for the consideration of the Director of Environmental Approvals. It is recommended that the licence, if approved, be assigned to the Eastern Region for administration, surveillance, monitoring, ongoing compliance evaluation and enforcement responsibilities.

PREPARED BY:

C. Moche, P. Eng.
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Municipal, Industrial and Hazardous Waste Approvals Section
October 28, 2002