

East Side Road Project:

Provincial Road 304 to Berens River All Season Road

Project information, resources, regulatory steps and permits

Manitoba Wildlands September 2009

Manitoba Wildlands follows the public process and commitments for an all weather road (currently winter road only) along the East Side of Lake Winnipeg. The resources below provide an update as to next steps, largely based on provincial funds.

SUMMARY OF PUBLICLY IDENTIFIED LICENCES, PERMITS, APPROVALS ETC.

(NOTE: SEE RESOURCES BELOW FOR REFERENCES):

- Class 2 Environment Act license – require process under Manitoba *Environment Act*
- permits and authorizations the federal *Fisheries Act* (FA) (re: fish habitat loss/destruction) and the *Navigable Waters Protection Act* (NWPA) (bridge crossings, in particular over the Bloodvein Heritage River)
- *Canadian Environmental Assessment Act* (CEAA) process to obtain federal approvals – including for bridge across Canadian Heritage River
- provincial permits and authorizations for activities such as
 - clearing (cutting of timber on Crown lands) (*Forest Act*)
 - quarry and borrow pit development and operation (*Mines and Minerals Act*)
 - camp facilities (water supply water intake permits – *Water Rights Act*)
 - maintenance areas
 - water and wastewater treatment and disposal (*Environment Act*)
 - waste management (sewage holding tanks for construction camp – *Onsite Waste Management Systems Regulation, Environment Act*) (approval of waste disposal ground – *Public Health Act*)
- boundary adjustment to Atikaki Provincial Park (section 7(1), *Provincial Parks Act*) – to accommodate placement of bridge over Bloodvein Heritage River at narrowest point

THE FOLLOWING PERMITS AND APPROVALS MAY ALSO BE REQUIRED

- Authorizations under *Highways and Transportation Act*
- Authorizations under *Crown Lands Act* (Section 7), which may include:
 - permit or licence for occupation or use of Crown Lands
 - work permits
 - authorization for easement or right-of-way
- License or permit or authorization for destruction of habitat and/or destruction of nests or eggs and/or killing of wildlife under *Wildlife Act*
- Permits for burning under the *Fire Prevention and Emergency Response Act*
- Registration of storage tanks under the *Storage and Handling of Gasoline and Associated Products Regulation (Environment Act)*

RESOURCES:

East Side Road Authority (ESRA)

<http://www.eastsideroadauthority.mb.ca/>

History of the East Side Road Development

http://www.eastsideroadauthority.mb.ca/vision_history.html

Environmental Licensing <http://www.eastsideroadauthority.mb.ca/environmental.html>

Bill 31 – The Manitoba Floodway Authority Amendment Act

<http://web2.gov.mb.ca/bills/39-3/b031e.php>

- “This Bill extends the mandate of the Manitoba Floodway Authority to include the construction of an all-weather road on the east side of Lake Winnipeg. The title of *The Manitoba Floodway Authority Act* is amended to reflect the extended mandate [The Manitoba Floodway and East Side Road Authority Act].”

Environmental Assessment and Licensing webpage –

East Side Road Authority Inc. Project:

Provincial All Season Road 304 to Berens River

http://www.gov.mb.ca/conservation/eal/registries/5388pr304_berens/index.html

Environment Act Proposal Notification Document (January 2009)

http://www.gov.mb.ca/conservation/eal/registries/5388pr304_berens/eanotifdoc.pdf

Environmental Assessment Scoping Document (January 2009?)

http://www.gov.mb.ca/conservation/eal/registries/5388pr304_berens/eascope.pdf

Notice of Environment Act Proposal (March 2009)

http://www.gov.mb.ca/conservation/eal/registries/5388pr304_berens/notice_eap.pdf

PR # 304 to Berens River All-Season Road Environmental Assessment –

Project Description (July 2009; 49 pages)

http://www.gov.mb.ca/conservation/eal/registries/5388pr304_berens/projdesc.pdf

- Initiation of regulatory review process in March 2009 with submission of **scoping document** and an **Environmental Act Proposal Form** (Project Notification)
- “the Project constitutes a **Class 2 development**” under the Environment Act
- “it is anticipated that **permits and authorizations** for the project will be required under the **Fisheries Act (FA)** and the **Navigable Waters Protection Act (NWPA)**. These permits and authorizations trigger an EIA under the Law List Regulation of **CEAA**. By prior agreement the PR 304 to Berens River ASR will require a **screening level decision under the CEAA**.”

- “[federal] **Fisheries [Act] Authorizations** may be required for a number of watercourse crossings listed in Table 2-2 of this document including:
 - Wanipigow River,
 - Rice River,
 - Bloodvein (Heritage) River,
 - Bradbury River,
 - Pigeon River, and
 - Berens River”
- As part of the original environmental assessment studies conducted in 2005 for km 0-88 of the PR 304 to Berens River Road (“Rice River Road”), Transport Canada provided determinations the following watercourses are navigable, and, therefore, subject to provisions of **Navigable Waters Protection Act (NWPA)** at proposed crossing locations:
 - Wanipigow River
 - English Brook
 - Steeprock Creek
 - Rice River
 - Loon Creek
 - Bloodvein backwater channel
 - Bloodvein (Heritage) River
 - Pakasekan Creek
 - Longbody Creek
- Confirmation has not yet been obtained from Transport Canada for km 88-156 of the PR 304 to Berens River Road, **it is anticipated that four or more watercourses along the new road alignment will be deemed navigable**, including:
 - Petopeko Creek
 - Bradbury River
 - Pigeon River
 - Berens River”
- **Other Provincial permits and authorizations** that may be required for such **activities as clearing, quarry and borrow pit development and operation, camp facilities, maintenance areas, water and wastewater treatment and disposal, and waste management.**
- (page 37) The First Nations reserve lands directly adjacent the proposed Project Site are Berens River (IR13)/Pigeon River (IR13A), Bloodvien (IR12), and Hollow Water (IR10). As required, **access roads will be constructed to the reserve lands as separate projects anticipated to be lead by the First Nation themselves.**

**Environmental Assessment and Licensing webpage –
Boundary Adjustment to Atikaki Provincial Park**

<http://www.gov.mb.ca/conservation/eal/registries/atikaki/index.html>

“With the support of the Bloodvein First Nation and Berens River First Nation, the East Side Road Authority Inc. has applied for an Environment Act Licence to construct an all-season road connecting the communities of Bloodvein and Berens River to replace the existing winter road access.”

“The proposed route for the new all-season road follows the existing Manitoba Hydro service access corridor that forms the western edge of the Atikaki Provincial Park. A realignment of the existing corridor is required to cross the Bloodvein River at its narrowest point. This proposed road alignment requires that the park boundary be adjusted to remove an area from the park since the wilderness land use category of this area of the park does not permit road development. **This boundary adjustment would require a change to the lands designated as provincial park pursuant to section 7(1) of *The Provincial Parks Act.***”

MAP – Proposed Atikaki Park Boundary Adjustment (Rice River Road)

<http://www.gov.mb.ca/conservation/eal/registries/atikaki/mapboundary.pdf>

MAP – Atikaki Provincial Wilderness Park

<http://www.gov.mb.ca/conservation/eal/registries/atikaki/mappark.pdf>

Other information:

April 5, 2007 Government of Manitoba press release

<http://news.gov.mb.ca/news/index.html?archive=2007-04-01&item=1420>

April 20, 2007 Government of Manitoba press release

<http://news.gov.mb.ca/news/index.html?archive=2007-04-01&item=1508>

April 30, 2009 Government of Manitoba press release

<http://news.gov.mb.ca/news/index.html?archive=2009-4-01&item=5767>

June 24, 2009 East Side Road Authority press release

<http://www.eastsideroadauthority.mb.ca/pdf/berensriv062409.pdf>

“The East Side Road Authority, Inc. (ESRA) and the Berens River First Nation announced the signing of a Memorandum of Understanding (MOU) to establish a Community Benefits Agreement that will deliver jobs, training and economic development opportunities for the First Nation community”

Public Open House took place in Winnipeg Thursday, June 25, 5 to 8 pm

East Side Road Authority Summer 2009 Newsletter (June 24, 2009)

http://www.eastsideroadauthority.mb.ca/pdf/newsletter-june_09.pdf