

Tel:

204-983-7997

Fax:

204-983-1878

Agence canadienne d'évaluation environnementale

Suite 101 – 167 Lombard Avenue, 167, avenue Lombard, bureau 101 Winnipeg MB R3B 0T6, Winnipeg MB R3B 0T6

CEAA File No.: MP2009-056 MC File No.: 4572.00 November 9, 2009 INFC - N/A HC - Rick Grabowecky Wendy Botkin CTA - N/A HR Dev - N/A PFRA - N/A DFO - Rick Erickson INDUSTRY CANADA - N/A **PWGSC - N/A** INAC - D. Black NEB - N/A TC- Meighan Andrews NRCan-EA-SPI/EE-ISP@NRcan.gc.ca EC - Reg Ejeckam WD - N/A SUBJECT: Tembec 2010-2029 EIS Forest Stewardship Plan for FML 01 Response Requested by December 30, 2009 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 federal review. The proposal is currently being considered by MC, pursuant to The Environment Act. Please refer to your copy of the proposal documents for your departmental review. 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: 9.30 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 _______ Specify as appropriate: requires additional information to make a determination referred to in a) or b) above. Yes If yes, please describe additional information requirements or forward a request within 10 days after making the determination: 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 62 of the Agreement). If yes, please describe requested involvement i.e. comments for the provincial Guidelines, review of EIS, etc. Please respond by fax at (204) 983-1878 at your earliest convenience, or before December 30, 2009. 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: Telephone: Fax: Signature: Date: Responses and questions can be forwarded to the following CEAA Project Manager: Name: Jim P. Morrell Jim.Morrell@ceaa-acee.gc.ca Email:



Pêches et Océans Canada

101 - 1 Avenue NW Dauphin, Manitoba R7N 1G8

January 22, 2010

Your file Votre référence

Our file Notre référence 09-HCAA-CA1-03253

Tembec Enterprises Inc. Box 10 Pine Falls, MB R0E 1M0

To whom it may concern:

Fisheries and Oceans Canada - Fish Habitat Management Program (DFO) received your proposal on November 9, 2009 from the Canadian Environmental Assessment Agency in accordance with information-sharing requirements of the Canada-Manitoba Agreement on Environmental Assessment Cooperation (the Agreement). Please refer to the file number and title below:

DFO File No.: 09-HCAA-CA1-03253

Title:

Tembec - Environmental Impact Statement of the Forest

Management License No. 1 - 2010-2029 Forest Stewardship Plan

Portions of the Environmental Impact Statement and Forest Management Plan have been reviewed to determine whether it is likely to result in impacts to fish and fish habitat which are prohibited by the habitat protection provisions of the *Fisheries Act* or those prohibitions of the *Species at Risk Act* that apply to aquatic species.*

Our review consisted of:

- "Forest Management Licence 01 2010 2029 Forest Stewardship Plan of the Tembec Forest Resource Management Pine Falls Operations, June 26, 2009."
- Environmental Impact Statement of the Forest Management License 01 2010 2029 Forest Stewardship Plan, September 22, 2009."

Based on the above information DFO would like to provide the following comments and recommendations:

 Please be advised that DFO will not be reviewing the complete Environmental Impact Statement and Forest Stewardship Plan due to the large volume of information provided and the high level of over-arching information contained within the documents.

^{*}Those sections most relevant to the review of development proposals include 20, 22, 32 and 35 of the Fisheries Act and sections 32, 33 and 58 of the Species at Risk Act. For more information please visit www.dfo-mpo.qc.ca.



- DFO recommends that Tembec adheres to the recommendations and guidelines from the Province of Manitoba. It is DFO's understanding the province has policies, guidelines and legislative requirements that apply to planning and ongoing forestry operations. (Eg. for cut block design, percent of watershed to be harvested and riparian area buffer guidelines for all waterbodies and watercourses).
- Based on the generalities presented within the document it is difficult to determine
 whether or not the Fisheries Act or Species at Risk Act applies to your on-going
 operations.
- Several sections of the document identify species that are listed under COSEWIC and the Species at Risk Act. Given the time frame of this Forest Management Plan several more species have the potential to be listed with SARA designation. To assist in protecting these species and their habitats through your work plan, or if you would like more information about these species please visit the Species at Risk Act Public Registry at www.sararegistry.gc.ca.
- Several sections of the documents speak to watercourse crossings. DFO has a
 regulatory interest in all works or undertakings in or near water with potential
 effects on fish and fish habitat, both directly and indirectly. In this case,
 watercourse crossings are of particular interest as they have significant potential to
 impact fish or fish habitat. Crossings of interest would be ice bridges or snow
 fills, temporary stream crossings, clear span bridges, culvert crossings. These may
 be best addressed through review of the Annual Operating Plan.
- DFO has a number of Operational Statements that may apply to watercourse crossings and other works or undertakings in or near water that Tembec should be aware of. We encourage you to review the Operational Statements that are available and incorporate these into your plans. Attached is a brochure explaining how to use the Operational Statements. I have attached several Operational Statements that may be of interest to Tembec, including DFO's Notification Form and Timing Windows. The most recent versions of the Operational Statements in Manitoba can be found at the following link: http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territories-territoires/mb/index-eng.htm
- If watercourse crossings, or other works and undertakings in or near water, do not meet the requirements of an Operational Statement then DFO requires sufficient information to complete a review. "Section 5.13.4 Watercourse Crossings" indicates that Tembec will submit completed plans to DFO for review. Attached are the "Proponent's Guide to Information Requirements under the Habitat Provisions of the Fisheries Act" and the "Request for Review under the Habitat Provisions of the Fisheries Act Form" that you may use to assist you in the design and application proposal for your project(s). These documents may be found at the following link: http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/water-eau/index_e.asp
- The "Request for Review under the Habitat Provisions of the Fisheries Act Form"
 is intended as a guide when submitting a project for DFO to review however, it
 does contain most of the information that will be required to determine if your

DFO File No.: 09-HCAA-CA1-03253

project is likely to result in a HADD (harmful alteration, disruption or destruction of fish habitat) of fish habitat. Incomplete or missing required information will result in delays in reviewing the project, and may be returned until all necessary information is provided.

- After DFO reviews the project we may issue either a letter of advice or an Authorization. A letter of advice will provide guidelines that, if followed, are unlikely to result in the project harming fish habitat. An Authorization is issued when a project is likely to harm fish habitat. The Authorization of the HADD of fish habitat is viewed by DFO as the least preferred approach to fish habitat protection. The preferred option is always to avoid the impacts in the first place by redesign or relocation, and where this is not possible, to seek mitigation that will reduce or eliminate the impact. In addition, if after application of mitigation measures and any possible relocation or redesign, the magnitude and/or duration of the HADD remains unacceptable, then an Authorization will not be issued. In keeping with our *Policy for the Management of Fish Habitat*, an Authorization is not issued until acceptable measures to fully compensate for any habitat loss are developed. Proponents are urged to incorporate design features that eliminate or reduce negative impacts on fish and fish habitat wherever possible.
- Please be aware that the decision to authorize the harmful alteration, disruption or destruction of fish habitat under Section 35(2) of the Fisheries Act is a trigger pursuant to Section 5(1)(d) of the Canadian Environmental Assessment Act (CEAA). As such, DFO would be a Responsible Authority for the review of the project and must screen the project as prescribed by the CEAA, before an Authorization under the Fisheries Act could be issued.

If you have any questions please contact the undersigned at (204) 622-4072, by fax at (204) 622-4066, or by email at Jeff.Moyer@dfo-mpo.gc.ca.

Yours sincerely,

Jeff Moyer

A/Senior Habitat Biologist

Enc. Planning to Work in or Near Water Brochure

Operational Statements

Timing Windows

Notification Form

Proponent's Guide to Information Requirements under the Habitat Provisions of the Fisheries Act

Request for Review under the Habitat Provisions of the Fisheries Act Form



Canadian Environmental Assessment Agency

Agence canadienne d'évaluation environnementale

Suite 101 - 167 Lombard Avenue, 167, avenue Lombard, bureau 101 Winnipeg MB R3B 0T6, Winnipeg MB R3B 0T6

Fax:

204-983-1878

CEAA File No.: MP2009-056 MC File No.: 4572.00 November 9, 2009 INFC - N/A HC - Rick Grabowecky Wendy Botkin CTA - N/A HR Dev - N/A PERA - N/A DFO - Rick Erickson INDUSTRY CANADA - N/A PWGSC - N/A INAC - D. Błack TC- Meighan Andrews NEB - N/A EC - Reg Ejeckam NRCan-EA-SPI/EE-ISP@NRcan.gc.ca WD - N/A SUBJECT: Tembec 2010-2029 EIS Forest Stewardship Plan for FML 01 Response Requested by December 30, 2009 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 federal review. The proposal is currently being considered by MC, pursuant to The Environment Act. Please refer to your copy of the proposal documents for your departmental review. 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 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 Specify as appropriate: 3. requires additional information to make a determination referred to in a) or b) above. Yes If yes, please describe additional information requirements or forward a request within 10 days after making the determination: -land ownershi 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 62 of the Agreement). Yes If yes, please describe requested involvement i.e. comments for the provincial Guidelines, review of EIS, etc. Please respond by fax at (204) 983-1878 at your earliest convenience, or before December 30, 2009. 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. Amic Butter Name: 580 Booth St. 3-A8-2 Department: Natural Resources Canada amie baker@nrean. que E-mail: Signature: Date: Responses and questions can be forwarded to the following CEAA Project Manager: Name: Jim P. Morrell Email: Jim.Morrell@ceaa-acee.gc.ca 204-983-7997 Tel:

December 21, 2009

File # MA-536

Jim P. Morrell
Project Manager, Prairie Region
Canadian Environmental Assessment Agency
123 Main St Winnipeg MB R3C 4W2
jim.morrell@ceaa-acee.gc.ca
Telephone 204-983-7997
Facsimile 204-983-1878

Re: Tembec 2010-2029 Forest Stewardship Plan for FML 01

Dear Mr. Morrell;

This letter is to advise you that in accordance with the Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements and following the review of the above mentioned project proposal, Natural Resources Canada (NRCan) requires more information to determine its role under section 5 of the Canadian Environmental Assessment Act (CEAA). Please provide information on ownership of the lands for the project and indicate any federal funding applications for the project. This information is required to determine if NRCan has a responsibility under S.5 of CEAA.

In the context of subsection 12(3) of CEAA, NRCan may have expertise in the following areas, which may apply to the project:

General Information

National and international energy, forestry and mining policies.

Forestry

- Management of forests on Aboriginal and military lands;
- Ecology and forest ecosystems;
- Forest biodiversity;
- · Biotechnologies;
- Climate Change;
- Entomology;
- Landscape and visual aspect;
- Forest fires:
- Pathology of forestry practices:
- · Silviculture and regeneration;

Mines and Metals

- Explosives;
- Management of mine wastes (tailings and overburden), protection of surface water and underground water quality, acid mine drainage;
- Development of mining sites,

Energy

- Energy efficiency, new fuels;
- Energy technologies;



Economic analysis for energy projects.

Earth Sciences

· Geographic Information Systems;

 Geological incidents (earthquakes/seismicity, landslides, flooding, deep water hazard, tsunamis,geomagnetism);

Geomatics;

- Geophysics (shallow terrain and deep crustal);
- Geosciences (surface and underground geology, geomorphology, underground water,);

Geotechnics and engineering geology;

· Permafrost occurrence, processes and stability;

Glaciology;

- Groundwater and hydrogeology (flow, recharge, chemistry and aquifer delineation);
- Landscape process and stability (coastal, fluvial, aeolian, slope) and their response to climate change;

Marine environmental and marine resource geosciences;

Mineral and hydrocarbon geology and regional resource assessments;

Remote sensing;

Surveys on federal lands.

Any request for expertise should be made in writing, and the deadline for our response should be specified. In order to help us and avoid unnecessary delays, we invite you to provide us with information such as the scope of project, the scope of the assessment and the subject areas and/or portions of the documents to be reviewed.

Any request for expertise should be made through the Environmental Assessment Officer assigned to the file. You may contact Ms. Amie Baker at (613) 943-6514 by fax at (613) 995-5719 or by email at amie.baker@NRCan.gc.ca

If you have any questions regarding NRCan's response, please do not hesitate to contact me by phone at (613) 995-7609 or by email at Caitlin.Scott@NRCan.gc.ca

Sincerely,

Caitlin Scott

Environmental Assessment Assistant Natural Resources Canada

Partly Scott

Canadian Environmental Assessment Agency

Tel:

204-983-7997

Fax:

204-983-1878

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CEAA File No.: MP2009-056 MC File No.: 4572.00 November 9, 2009 Wendy Botkin INFC - N/A **HC - Rick Grabowecky** CTA - N/A HR Dev - N/A PFRA - N/A PWGSC - N/A DFO - Rick Erickson INDUSTRY CANADA - N/A INAC - D. Black TC- Meighan Andrews NEB - N/A NRCan-EA-SPI/EE-ISP@NRcan.gc.ca WD - NA EC - Reg Ejeckam SUBJECT: Tembec 2010-2029 EIS Forest Stewardship Plan for FML 01 Response Requested by December 30, 2009 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 federal review. The proposal is currently being considered by MC, pursuant to The Environment Act. Please refer to your copy of the proposal documents for your departmental review. 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 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 Specify as appropriate: requires additional information to make a determination referred to in a) or b) above. No Yes If yes, please describe additional information requirements or forward a request within 10 days after making the determination: 4. in the absence of a federal trigger, has an interest in the project related to its departmental mandage, and would like to participate in the provincial review (Clause 62 of the Agreement). Yes If yes, please describe requested involvement i.e. comments for the provincial Guidelines, review of EIS, etc. Please respond by fax at (204) 983-1878 at your earliest convenience, or before December 30, 2009. 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: Date: Signature: Responses and questions can be forwarded to the following CEAA Project Manager: Name: Jim P. Morrell Email: Jim.Morrell@ceaa-acee.gc.ca

Morrell, Jim [CEAA]

From:

Andrews, Meighan [meighan.andrews@tc.gc.ca]

Sent:

Friday, December 11, 2009 10:22 AM

To:

Morrell, Jim [CEAA]

Subject:

Emailing: 2009-12-11 FCR Response.pdf

Attachments:

2009-12-.pdf



2009-12-11 FCR Response.pdf (7...

i Jim,

Attached is TC's FCR response. TC has no comments on the EIS, and we do not have a Section 5(1) CEAA trigger, until Tembec applies for an NWPA Approval. Below are comments on the Forest Stewardship Plan for FML 01.

Changes to the following: Appendix 5 - 62

WDS-012 Securing Approval for a Water Crossing from Department of Fisheries and Oceans and Canadian Coast Guard

· Approval is no longer under the CCG, this should be changed: Approval under the Navigable Waters Protection Act falls under the Navigable Waters Protection Program at Transport Canada

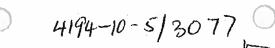
Can also refer to the Minor Works and Waters (NWPA) Order

If you have any questions or concerns please contact me at the contact information below. Thanks for the opportunity to comment.

Cheers,

Meighan Andrews, P.Eng.

Superintendent, EA Management Program - South Surintendante, Programme de gestion des ee sud Transport Canada / Transports Canada Environmental Affairs / Services environnementaux Prairie and Northern Region / P.O. Box 8550 / 3-344 Edmonton Street Winnipeg, MB R3C 0P6 Région des Prairies et du Nord, C.P. 8550, 3-344 rue Edmonton, Winnipeg, MB R3C 0P6 Telephone / téléphone: 204-983-0482 facsimile / télécopieur 204-983-5048 Government of Canada | Gouvernement du Canada Email: meighan.andrews@tc.qc.ca



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Tel:

204-983-7997

Fax:

204-983-1878

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Safe Environments Directorate Healthy Environments and Consumer Safety Branch 510 Lagimodiere Blvd Winnipeg, MB R2J 3Y1

November 17, 2009

Your file MP2009-056
Our file MB/SK-2009/10-080

Jim P. Morrell
Canadian Environmental Assessment Agency
Suite 101 – 167 Lombard Avenue
Winnipeg, MB R3B 0T6

Subject: Health Canada's FCR response for the Tembec 2010-2029 EIS Forest Stewardship Plan for FML 01

Dear Mr. Morrell;

Thank you for your letter dated November 9, 2009 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 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 effects
- 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,

Jackie L. Schollie

Safe Environments Program Analyst

Health Canada, Manitoba-Saskatchewan Region

Ph# 204.983.7319 Fax# 204.983.5692

Email: jackie schollie@hc-sc.gc.ca

cc: Stan Hnatiuk, (Health Canada) Scott Armour, (Health Canada)



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Name: Jim P. Morrell Email: <u>Jim.Morrell@ceaa-acee.gc.ca</u>

Tel: 204-983-7997 Fax: 204-983-1878

Morrell, Jim [CEAA]

From:

Aaron O'Keefe [Aaron.OKeefe@inac-ainc.gc.ca]

Sent:

Thursday, December 24, 2009 9:30 AM

To:

Morrell, Jim [CEAA]
Danielle Black

Cc: Subject:

Re: Tembec 2010-2029 EIS Forest Stewardship Plan for FML 01

Hi Jim,

This is to inform you that Indian and Northern Affairs Canada is not a responsible authority, nor does it have expert advice to give on this referral from Manitoba Conservation.

Thanks,

Aaron O'Keefe Senior Environmental Specialist Indian and Northern Affairs Canada 200 - 365 Hargrave Street Winnipeg, MB, R3G3A3 T: (204)983-4962 F: (204)983-3629

>>> Danielle Black 11/9/2009 10:43 AM >>>

Thanks for the heads up Jim. Aaron O'Keefe Sr Environment Officer will be back as on Monday Nov. 16/09 and he will be assigned the project.

Thanks Danielle

>>> Morrell, Jim [CEAA] 11/9/2009 10:31 AM >>> Good morning,

Attached please find a copy of the Manitoba Conservation letters, proposal information sheet and the CEA Agency FCR referral letter for your records and use. Also attached is a link to the EIS on Manitoba Conservation's website. Tembec's website has the EIS and the Forest Stewardship Plan. I have requested electronic copies of EIS and Forest Stewardship Plan from Manitoba Conservation. I will forward this information once it is available.

Manitoba Conservation

<http://www.gov.mb.ca/conservation/eal/registries/4572tembec/index.html>
http://www.gov.mb.ca/conservation/eal/registries/4572tembec/index.html.

Tembec <http://tembec-frm-manitoba.ca/Docs.htm>http://tembec-frm-manitoba.ca/Docs.htm.

I look forward to receiving your response on or before December 30, 2009.

If you have any questions regarding this review please give me a call.

Thanks

Jim

Jim P. Morrell

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