

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Manitoba Department of Highways & Transportation and Manitoba Natural Resources
PROPOSAL NAME: Proposed Upgrading of Provincial Road 305 – West Dike Extension
CLASS OF DEVELOPMENT: Three
TYPE OF DEVELOPMENT: Water Development and Control – Flood Control Projects
CLIENT FILE NO.: 4445.00

OVERVIEW:

The Proposal was received on June 25, 1999. It was dated June 16, 1999. The advertisement of the proposal was as follows:

“A Proposal has been filed by Manitoba Highways and Transportation and Manitoba Natural Resources to upgrade a portion of PR 305 starting from PR 332 near Brunkild and extending east for 11.5 kilometres. The purpose of the upgrading is to form a permanent extension of the Red River Floodway West Dike. This permanent dike would replace the temporary dike (Z-Dike or Brunkild Dike) built during the 1997 flood. The proposed dike extension along with an already completed raising of the previously existing West Dike would provide permanent flood protection north of the dike for a flood event equal to the 1997 flood, with a freeboard allowance ranging from 0.3 metres to 1.0 metre. A report on the hydraulic impact of the proposed extension and the already completed raising of the West Dike is provided in the Proposal. Water level increases for a flood equal to the 1997 flood on the south (wet) side of the works are estimated to range from negligible near Brunkild to a maximum of 0.75 metres along the north sides of sections 22 and 23-7-1W. Land acquisition and construction of the works is proposed to begin following the completion of the environmental assessment and licensing process.”

The Proposal was advertised in the Winnipeg Free Press on Saturday, July 10, 1999 and in the Carman Valley Leader and the Altona Red River Valley Echo on Monday, July 12, 1999. It was placed in the Main, Centennial, and Eco-Network registries. It was distributed to TAC members on July 6, 1999. The closing date for comments was August 6, 1999.

COMMENTS FROM THE PUBLIC:

Thorsten Stanze - The existing ditches on the north and south sides of PR 305 in sections 19-7-1E and 30-7-1E do not provide adequate drainage due to poor maintenance. The proposed depth of the ditch will be inadequate. The proposed culverts will not be as deep as those currently in place. It is requested that the depth of the current ditches be increased rather than decreased. The flood of 1997 did not affect the yardsite in NW 19-7-1E. Due to the projected hydraulic impacts of the proposal, the yardsite could be affected by future flooding. It is requested that a plan be devised for securing the yardsite

against extended future flooding. In general, looking for compensation for the depreciation of affected farmland due to the hydraulic impact of the project.

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Paul Clifton - Wish to provide documentation and comment in opposition to the project. Also wish to express grave concerns that the proposal also includes a review of the already completed raising of the existing West Dike. This work was completed after the emergency of the 1997 flood and before receipt of approval.

The current proposal was filed before the Province has filed defense or settled legal claims for damages caused by artificial flooding caused during the 1997 flood. No additional flood protection works should be undertaken without a proper flood easement established with affected property owners and the establishment of a complete compensation program for artificial flooding (not Disaster Financial Assistance.) The International Joint Commission report is to include a study of extreme flood conditions and thus no additional localized flood control works should be undertaken until these studies are completed. The Manitoba Water Commission report indicated that the West Dike had an effect on water levels south of the floodway control structure. This is without legislative right to flood artificially, flood easement or artificial flood damage compensation. The Commission also recommended that the fail-safe function of the West Dike be considered when planning any extension to the West Dike. The removal of this fail-safe does not appear to have been studied. The Commission noted that the Water Resources Branch uses a flood forecasting method which relies on observations from past floods. This approach has difficulty extrapolating to a flood magnitude greater than those previously experienced. No study or modelling has been conducted for flood levels greater than the flood of record. The Branch's projections therefore can only be validated during the next flood. Finally, the design flood for the project is 169,000 cfs, equivalent to the 1997 flood. The designed freeboard for works constructed under the 1997 flood protection program will be undermined by the project, without considering wind setup, the backwater effect of the proposed dyke, or precipitation at the crest. It is also understood that the effect of the project on the upstream of floodway area for a greater flood, i.e. the 1826 equivalent flood, has not been studied. Based on the above, the proposed project has significant adverse environmental and social effects which have not been fully mitigated. As such, the project should not be approved.

Disposition of Public Comments:

These comments were referred to the Proponent for comment.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Environment - Water Quality Management - Few concerns provided that the proposed environmental practices are adhered to. No stream crossings in the area.

Historic Resources Branch - No concerns.

Mines Branch - No concerns.

Community Economic Development Branch - No concerns.

Medical Officer of Health – Central Region - No concerns.

Natural Resources - No concerns.

Canadian Environmental Assessment Agency - Application of the Canadian Environmental Assessment Act with respect to the project will not be required. Environment Canada, Natural Resources Canada and Fisheries and Oceans would be able to provide specialist advice in accordance with Section 12(3) of the Act.

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Department of Fisheries and Oceans - The existing road crosses several drainage ditches which connect to fish bearing streams. The project is not likely to impact on fish and fish habitat downstream of the project area with the implementation of the following mitigation measures. Erosion and sediment control measures be implemented during all phases of construction to minimize the release of sediment to waters downstream of the project location. All instream works should be conducted during low flow periods to minimize downstream impacts. The deposit of deleterious substances into water frequented by fish is prohibited under the Fisheries Act. Appropriate precautions should be taken to ensure that deleterious substances do not enter any of the drainage ditches associated with PR 305. Refueling and servicing of construction equipment should take place at least 100 metres from all drainage ditches. All disturbed banks of the drainage ditches associated with the project should be revegetated upon completion of the works.

Disposition:

These mitigation measures can be incorporated as licence conditions.

ADDITIONAL INFORMATION:

Comments on the concerns identified by members of the public were requested on August 9, 1999. The attached responses dated August 16, 1999 (respecting Mr. Stanze's concerns) and September 13, 1999 (respecting Mr. Clifton's concerns) were received. Concerns not addressed in these responses involve policy issues outside the scope of the assessment of the present Proposal.

PUBLIC HEARING:

No requests for a public hearing were received. Accordingly, a public hearing is not recommended.

RECOMMENDATION:

All environmental comments received on the Proposal have been addressed in the additional information or can be addressed as licence conditions. Therefore, it is recommended that the Development be licensed under The Environment Act subject to the limits, terms and conditions as described on the attached Draft Environment Act Licence. It is further recommended that enforcement of the Licence be assigned to the Winnipeg Region.

PREPARED BY:

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