

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Manitoba Hydro
PROPOSAL NAME: Northwest Gas Transmission Project
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Transportation and Transmission – Pipe lines
>10km or in sensitive areas
CLIENT FILE NO.: 5792.00

OVERVIEW:

An Environment Act proposal (EAP) has been filed by Manitoba Hydro for the Northwest Winnipeg Gas Transmission Project consisting of 39 km of new 12 inch diameter steel natural gas pipeline connecting the existing Oak Bluff pipeline located at the Rosser Gate Station in the R.M. of Rosser to the Liss Pipeline located in the R.M. of St. Andrews, 10.5 km of new 12 inch pipeline between Lockport Road in the R.M. of St. Andrews to the existing Selkirk Gate Station located in the City of Selkirk and 9.5 km of new 6 inch pipeline from NW 10-13-2 EPM to the existing Stonewall Gate Station in the town of Stonewall. The project also involves two new valve sites at NW 30-12-2 EPM and SE 5-13-3 EPM.

The proposal was distributed to the "Transmission" Technical Advisory Committee (TAC) for review. It was also placed in the public registries and advertised in the Winnipeg Free Press on August 29th 2015, and the Selkirk Journal and the Stonewall Teulon Tribune on September 27th 2015.

COMMENTS FROM THE PUBLIC:

The following is a summary of public comments received pertaining to the EAP. Copies of the original comments from the public are available in the Public Registries.

Devin and Kristin Long

Safety concerns related to the proximity of the proposed route to their residential property.

Disposition:

Manitoba Hydro was reviewed the concern from Mr. and Ms. Long and confirmed that a route adjustment will be made to address these concerns.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

The following is a summary of TAC comments received pertaining to the EAP. Copies of the original comments from TAC are available in the Public Registries.

Manitoba Conservation and Water Stewardship – Climate Change and Air Quality

It is expected that the proposal has no significant impact on air quality provided that construction best practices and appropriate control measures will be utilized for minimizing dust generation and emissions from vehicle/equipment during construction work. Air Quality Section suggests that a clause regarding noise nuisance be included.

Disposition:

Comments regarding noise nuisance can be accommodated as a licence condition

Manitoba Conservation and Water Stewardship – Office of Drinking Water

Office of Drinking Water found no cause for concern respecting drinking water quality or safety.

Disposition:

No action needed.

Manitoba Conservation and Water Stewardship – Environmental Compliance and Enforcement

Environmental Compliance and Enforcement Branch has reviewed the above noted Environment Act Proposal and does not have any comments to provide.

Disposition:

No action needed.

Manitoba Conservation and Water Stewardship – Lands Branch

If crown lands are in fact proposed to be impacted, the applicable crown land dispositions (e.g. General Permit) for the pipeline utility will be required, in addition to a Crown and Work Permit (issued by the appropriate district office) to authorize the onsite work activity.

Disposition:

Comments forwarded to the proponent for information however no Crown Land dispositions are expected for this project.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

MIT has reviewed the Environment Act proposal and provide the following comments:

- Manitoba Hydro should be aware of MIT's plans to upgrade and widen PTH 9.
- For highways under the PR 200 to 600 series, permits are required from MIT to:
 - construct a new access driveway;
 - relocate or modify an existing access driveway;

- place any structures on, under or above the ground within 38.1 m of the edge of the highway right-of-way;
- place any plantings within 15.2 metres (50 feet) of the edge of highway right of way; and/or
- discharge water or other liquid materials into the ditch on any of MIT's rights-of-way.
- For PTH 1 to 190 and PR 230: under *The Highway Protection Act*, permits are required from the Highway Traffic Board to:
 - construct a new access driveway;
 - relocate, modify or change the use of any existing driveways;
 - place any structures (including advertising signs, wells, septic fields, etc.) on, under or above the ground within 38.1 metres of the edge of the highway right-of-way; and/or
 - to change the use of land or buildings or to relocate, rebuild or make additions to a structure within the above noted control circle or controlled area.
- For questions on applications under The Highways and Transportation Act and The Highway Protection Act, please contact Karen Toews Therrien, Access Management Technologist
- The comment that “re-vegetation will be undertaken by the adjacent landowners” raises concern. Manitoba Hydro should be aware that no one is permitted to work within MIT’s right of way without appropriate permits and that these permits do not typically extend to undeclared third parties. MIT is further concerned that, should this work be approached in this manner, the appropriate native seed blends may not be used for each habitat through which the proposed gas-line will pass.
- This project will cross beneath two provincial waterways, Grassmere Creek and Parks Creek. All such crossings of provincial waterways require review and authorization by MIT, in accordance with Section 14(4) of The Water Resources Administration Act. For question on applications under The Water Resources Administration Act, please contact Brad Allum, Development Review Officer

Disposition:

These comments were forwarded to the proponent for additional information (see ‘Request for Additional Information’ section of this summary).

Manitoba Conservation and Water Stewardship – Parks and Protected Spaces Branch

Parks and Protected Spaces Branch has no comments or concerns to offer as it does not affect any provincial parks, park reserves, ecological reserves, areas of special interest or proposed protected areas.

Disposition:

No action needed.

Manitoba Conservation and Water Stewardship – Water Use Licensing Section

How will Manitoba Hydro ensure trenches remain dry (i.e. dewatering systems)?

Disposition:

This comment was forwarded to the proponent for additional information (see ‘Request for Additional Information’ section of this summary).

The following TAC members did not provide a response:

- Canadian Environmental Assessment Agency
- Manitoba Agriculture, Food and Rural Development
- Manitoba Municipal Government
- Manitoba Health
- Manitoba Mineral Resources
- Manitoba Tourism, Culture, Sport and Consumer Protection, Historic Resources Branch
- Manitoba Conservation and Water Stewardship:
 - Drainage and Water Control Licensing
 - Environmental Programs and Strategies Branch
 - Forestry and Peatlands Branch
 - Aboriginal Relations Branch
 - Water Science and Management Branch
 - Wildlife and Fisheries Branch

REQUEST FOR ADDITIONAL INFORMATION:

Environmental Approvals Branch contacted the proponent with questions from TAC members and the public concerning the project on October 21, 2015. A submittal in response to comments was received on October 28, 2015 and included the following response:

1. Is Manitoba Hydro aware of MIT’s plans to upgrade and widen PTH 9?

Manitoba Hydro is aware of the proposed plan to upgrade and widen PTH 9. After writing Joëlle M. Coulombe, Regional Planning Technologist with MIT, we understand that the proposed location of the Project is outside of the PTH 9 widening project area. MIT has requested that we provide them with the final alignment/design which we will do upon completion.

2. The comment that “re-vegetation will be undertaken by the adjacent landowners” raises concern. Manitoba Hydro should be aware that no one is permitted to work within MIT’s right of way without appropriate permits and that these permits do not typically extend to undeclared third parties: MIT is further concerned that, should this work be approached in this manner, the

appropriate native seed blends may not be used for each habitat through which the proposed gas-line will pass.

This quote from the MIT response could not be found in the Hydro EA report. It is assumed that the sentence below (EA report Section 3.4.5 page 25) is the one being referred to.

“Any areas of cultivated land that are located within or adjacent to the pipeline right-of-way will be seeded by landowners as part of their farming operations.”

This refers specifically to agricultural land, and the text was intended to convey that adjacent landowners will continue regular farming operations once the project is complete. In other, non-agricultural areas, we will follow other mitigation outlined in the document:

“Other areas of exposed soils resulting from project construction activities, such as the five temporary work areas, will be re-seeded using an approved seed mix.”

In the case of approved seed mix, we would contact MIT if this was within an MIT ROW. More generally, we would follow our standard mitigation outlined in the Environmental Protection Chapter (Chapter 11) as follows:

- Natural re-vegetation will be allowed to occur although active rehabilitation programs may be required at specific sites where erosion warrants seeding or planting
- Organic material, topsoil and subsoil stripped from construction areas will be stockpiled and protected to be used for future site rehabilitation.

In general, unless extensive erosion is expected, we will strip and stockpile the topsoil prior to trenching, then replace the topsoil after backfill is complete and allow natural re-vegetation.

3. “How will Manitoba Hydro ensure trenches remain dry during construction and how will this water be managed?”

The tenders state:

“The Contractor shall furnish all materials and labor and supplies necessary for the completion of and maintenance of grade and line of the pipe and of the pipe trench including water control if found to be necessary.”

Generally, this is up to the contractor to decide their ‘means and methods’ on how to keep the trench dry. Because the area has the potential to be considerably wetter than normal, we will include additional information in the tender highlighting the potential for additional water management.

PUBLIC HEARING:

The technical issues surrounding the project are sufficiently understood and can be addressed by the proposed mitigation measures identified in the EAP or addressed through licence conditions and as such a public hearing for this project was not recommended

CROWN-ABORIGINAL CONSULTATION

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right of that First Nation, Métis community or other Aboriginal community.

Manitoba's initial assessment concluded that the project will likely have little or no effect on the exercise of Aboriginal or treaty rights or other Aboriginal communities. The project involves the installation of a new pipeline within existing road rights of ways or disturbed private land in locations where Aboriginal rights would not generally be exercised. No decisions regarding the allocation of Crown lands or resources are being contemplated. Impacts related to the pipeline will be limited to temporary construction activities and access to private lands will be achieved through easement agreements with private land owners.

Notwithstanding Manitoba's initial assessment, the Environmental Approvals Branch has initiated consultation with potentially affected communities to provide an opportunity for these communities to advise the Crown of any concerns about how the project might affect the exercise of Aboriginal or treaty rights of each community or its members. A final licensing decision will only be made once consultation has been completed. Additional conditions may be included to the draft licence in order to address concerns identified through the consultation process.

RECOMMENDATION:

Pending the outcome of Crown Aboriginal consultation, it is recommended that an Environment Act Licence be issued for the project subject to the limits, terms and conditions as described in the attached draft licence.

PREPARED BY:

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