

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Rural Municipality of Mossey River
PROPOSAL NAME: Fork River Low-Level Crossing Replacement
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 5655.00

OVERVIEW

The Proposal was received on May 31, 2013. It was dated May 21, 2013. The advertisement of the Proposal was as follows:

“A proposal has been received from the Rural Municipality of Mossey River for the replacement of a ford crossing on the Fork River in NW 27-29-20W, west of the community of Fork River. The existing flood damaged structure would be removed and replaced with a similar structure with larger arch culverts and a concrete deck. Construction is planned for the fall and winter of 2013 – 2014, with construction completed in March, 2014.”

The Proposal was advertised in the Dauphin Herald on Tuesday, July 9, 2013. It was placed in the online and Legislative Library public registries, and in the office of the Rural Municipality of Mossey River as a public registry location. It was distributed to TAC members on July 4, 2013. The closing date for comments from members of the public and TAC members was August 7, 2013.

COMMENTS FROM THE PUBLIC

No public comments received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Manitoba Conservation and Water Stewardship – Environmental Compliance and Enforcement Branch

All construction and demolition waste, including all cured and uncured concrete must be disposed of an approved waste disposal ground.

Disposition:

This comment can be addressed as a licence condition.

Manitoba Conservation and Water Stewardship – Environmental Programs and Strategies Branch, Air Quality Management Section

No comment. The proposal has no significant impact on air quality.

Manitoba Conservation and Water Stewardship – Watershed and Protected Areas Branch and Lands Branch

No concerns.

Manitoba Conservation and Water Stewardship – Lands Branch, Western Region

No concerns.

Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch

No comments to offer as this does not impact any parks or ecological reserves.

Manitoba Conservation and Water Stewardship - Water Science and Management Branch, Water Quality Management Section

The proposal seems reasonable such that provided the proponent implements appropriate best practices and mitigation measures there should not be outstanding water quality concerns.

Standard license conditions are applicable to this project such as:

- Adherence to Manitoba's Stream Crossing Guidelines
- A clause stating no uncured concrete products shall be allowed in the Fork River. Washing of uncured concrete products should only be a designated area well removed from the river.
- Any rock used as riprap should be clean non reactive rock- the proposal notes that clean field stone would be used which seems like an appropriate material
- Fueling or servicing of vehicles or equipment should be at least 100 metres from the water
- The proponent should stabilize and re-vegetate any exposed areas with a seed mix native to the area
- Biodegradable erosion control materials be used
- The proponent should implement measures preventing the spread of foreign invasive aquatic species

- In water work should take place during low flow conditions if possible and outside fish spawning periods
- Any grading or other work near the riparian area should be avoided during periods of rain and should take place preferably under dry conditions.

Disposition:

These comments can be addressed through licence conditions.

Manitoba Conservation and Water Stewardship - Fisheries Branch

Informal request for clarification:

1. Proposal indicates culverts to be installed in accordance with Stream Crossing Guidelines; guidelines suggest spacing of 2 metres between culverts where multiple culverts are used. Please clarify proposed distance between culverts.
2. Proposal indicates velocity in culverts for design event (10. 2 m³/s) is 1.64 m/s, which is reported to be in accordance with fish passage guidelines for culverts less than 25 m in length. The guideline velocity value is 1.0 m/s for this situation. Under what flows and how frequently would the culverts be impassible?
3. The proposal is not clear as to whether the culverts are arched corrugated metal pipes or open bottom pipes. Please clarify.
4. With respect to construction, please clarify the use of cofferdams in the construction sequence.

Disposition:

Additional information was requested to address these matters.

Manitoba Conservation and Water Stewardship – Water Use Licensing Section

No concerns.

Manitoba Conservation and Water Stewardship – Office of Drinking Water

No concerns.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch, Environmental Services Section

No concerns.

Manitoba Health – Medical Officer of Health, Prairie Mountain Health

In my opinion, the review has considered all relevant health impacts. I have nothing further to add. The document was also reviewed by Stefane Gravelle, the regional director of Public Health inspectors and he also had no further comments.

Office of the Fire Commissioner

No concerns or comments.

ADDITIONAL INFORMATION

Additional information was requested to address TAC comments on August 29, 2013. The attached response was received on September 26, 2013. Since the response did not fully address the question of velocities in the culverts or the frequency of flow events in which fish passage would not be possible, further information was requested on November 18, 2013. A response to this request was received on January 16, 2014, and is attached.

In brief, the response to questions from the Fisheries Branch are:

1. The spacing between culverts is designed to be 0.50 m.
2. With a velocity barrier in the culverts of 1.0 m/s, the culverts would be passable for about 50% of peak flow events. This includes 40% of events where all flow would be through the culverts and velocities remained below 1.0 m/s, and 10% of events where most of the flow would overtop the crossing, and culvert velocities remained below 1.0 m/s. For the remaining 50% of peak flow events, the velocities in the culverts would exceed 1.0 m/s at the peak discharge. For 60% of events, culvert velocities would exceed 1.0 m/s for at least part of the event. The low and high discharge events associated with a culvert velocity of 1.0 m/s are about 7 m³/s and 49 m³/s respectively. (i.e. for flows between 7 and 49 m³/s, culvert velocities exceed 1.0 m/s.)
3. The culverts are arch corrugated metal pipes, and not open bottom culverts.
4. A cofferdam will be used in each of the two phases of construction to isolate the work area. Approximately 50% of the total project area will be cofferdammed for each phase.

PUBLIC HEARING:

No requests were received for a public hearing. Accordingly, a public hearing is 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.

The proposal involves the replacement of an existing damaged river crossing in an agricultural area with a similar structure at the same location. Adverse effects on surface water or habitat for wildlife or fisheries are not anticipated.

Since resource use is not affected by the project, it is concluded that Crown-Aboriginal consultation is not required for the project.

RECOMMENDATION:

All comments received have been addressed through additional information, or can be addressed through licence conditions. 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 Western Region of the Environmental Compliance and Enforcement Branch.

PREPARED BY:

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