

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Manitoba Natural Resources
PROPOSAL NAME: Assiniboine River Dyke Repairs
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control - Fish Habitat
CLIENT FILE NO.: 4380.00

OVERVIEW:

The Proposal was received on September 28, 1998. It was dated September 23, 1998. The advertisement of the proposal was as follows:

“A Proposal has been filed by the Water Resources Branch of Manitoba Natural Resources for the reconstruction and rehabilitation of the existing Assiniboine River dykes at 12 locations between Portage la Prairie and the Baie St. Paul Bridge on PR 248. The project would involve resloping and stabilizing sections of dyke which are actively eroding or where dyke stability is threatened by slope failures. Where space is available, the dykes would be relocated further back from the river. Where additional space is not available, the dykes would be reconstructed in their existing locations. It is proposed that reconstructed slopes would be armoured with a 200 mm layer of crushed rock to minimize future erosion. The project is proposed for construction in the late summer and fall of 1999.”

The Proposal was advertised in the Winnipeg Free Press on Saturday, October 10, 1998, in the Portage Herald Leader on Tuesday, October 13, 1998, and in the Headlingley Headliner on the week of October 12, 1998. It was placed in the Main, Centennial, Eco-Network and Portage Plains Regional Library public registries. It was distributed to TAC members on October 6, 1998. The closing date for comments was November 6, 1998.

COMMENTS FROM THE PUBLIC:

No written public comments were received. One member of the public (Ross Bond) reported concerns by telephone. The concerns involved access to the dyke and the salvage of firewood from trees cut in connection with the project. The caller was provided with the name of the Water Resources Branch project manager, and the caller's concerns were provided to the Water Resources Branch. The concerns will be addressed during landowner negotiations for site access. Both the caller and the Water Resources Branch were satisfied to resolve the concerns directly.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Environment - Water Quality Management - There are not any perceived long term detrimental impacts to water quality if construction works follow procedures

provided in the attachments. Short term impacts would be increased suspended sediment loading during river fills and berms into the river. Catchment and retention of drifting sediment into the river may be required if excessive sediment loading occurs downstream

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of a site during construction. Rock armour fill must be clean and the attachment indicates that condition will be satisfied. Re-seeding excavated areas is important for erosion control and this should be done on any areas stripped of vegetation due to construction. It was mentioned under item iii (Land Use) that natural vegetation will be allowed to recover the river slopes. It is not clear if this means that excavated bank slopes will be allowed to revegetate naturally, or if they will be artificially re-seeded. Fertilization during re-seeding – proper application must be adhered to and avoidable fertilizer loss to the watercourse prevented.

Disposition:

These comments can be addressed as licence conditions. In particular, revegetation by re-seeding will be required as a licence condition.

Manitoba Environment – Terrestrial Quality Management - Concerned about the destruction of riparian habitat at these sites and the lack of information on the wildlife and vegetation that live along the dyke. More information should be provided on the native vegetation and wildlife that occur at these sites. A vegetation survey should be conducted where native vegetation still exists to determine if any rare plant species are present. Also, what mitigation measures will be done to compensate for the loss of this riparian habitat? The proponent has intentions to compensate for the loss of fish habitat, but nothing has been intended for the terrestrial habitat. Care should be taken in those areas where it is stated that ‘natural vegetation will be allowed to recover the river slope’ that weed species, especially purple loosestrife, does not become established.

Disposition:

Additional information was requested to address concerns respecting riparian vegetation and wildlife, and mitigation measures.

Historic Resources Branch - The Branch was contacted by Water Resources during the planning of the project and maps were examined to determine areas of known or potential heritage resources. Branch staff will examine high potential areas in the spring of 1999 to determine if significant heritage resources are present. Depending on the results of the site examinations, a mutually acceptable heritage resource management strategy will be implemented. A copy of Branch findings will be forwarded upon completion of the reconnaissance. (Note: The Branch reported its findings in a memorandum of May 28, 1999. No heritage objects were observed and the Branch has no further concerns with the project.)

Mines Branch - No concerns.

Community Economic Development Branch - No concerns.

Urban Affairs - No objections.

Natural Resources - The following additional information is provided in support of the Proposal. It is understood that a DFO Authorization will be required prior to proceeding with the repairs. MNR is committed to developing and implementing a compensation plan for loss of fisheries habitat. An independent consultant is presently carrying out an assessment and will be providing recommendations to the department. A compensation plan will be developed based on this information by MNR (Water Resources and Fisheries) and DFO. The plan should be available by March, 1999.

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It is assumed that the re-establishment of woody vegetation on the repaired dike slopes will occur naturally. If this is found to be insufficient, MNR is prepared to develop and implement an enhanced re-vegetation program with the assistance of the Agro Woodlot Program. An enhanced program could include alternative grass seed and shrub and tree species where possible. Following dike reconstruction adjacent landowners will be requested to fence to restrict livestock from grazing on the river side dike slope.

The engineering consultant retained for project management has incorporated several changes to the proposed dike designs aimed at retaining significant tree stands where possible. In areas where loss of tree cover occurs the land acquisition agent currently procuring access to the required property has been advised to offer rights to any salvageable fuel wood to the land owners.

MNR has no concerns with the licensing of this project.

Canadian Environmental Assessment Agency - Application of the Canadian Environmental Assessment Act with respect to this project will not be required. However, DFO has requested further information prior to making a decision. Environment Canada and Natural Resources Canada would be able to provide specialist advice in accordance with Section 12(3) of the Act. If there is additional information, please include these contacts in the mailout.

Disposition:

Federal agency responses to CEAA indicated that only DFO had an interest in the project. No other agencies or departments indicated a desire to participate in the provincial review of the project. Therefore, additional information will be distributed to DFO only.

Department of Fisheries and Oceans - DFO will be a Responsible Authority for this project. The project description is deficient. Prior to action being taken under CEAA, information is required relating to the potential impacts of the project on fish and fish habitat. Detailed site plans for the 12 sites are required. Plans similar to those provided in June, 1997 for previous work are needed. The plans should identify the length of dyke to be reconstructed and the extent of the incursion of the dyke into the river, relative to a

specified surface water elevation (eg. November, 1996.) Potential impacts on fish and fish habitat, quantification of the areal extent of habitat loss and proposed mitigation measures must be described. Proposed compensation measures to offset fish habitat loss should be identified and described. In addition, the cumulative effect of the loss of outside meander bends on fish and fish habitat need to be examined. Water Resources has committed to examining more environmentally friendly dyke designs than the currently proposed 5:1 slopes with crushed rock fill. Information should be provided on other options which have been examined and a rationale provided for those more environmentally friendly options which have been rejected.

Disposition:

Additional information was requested to address these concerns.

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ADDITIONAL INFORMATION:

Information concerning riparian habitat and wildlife impacts as well as fisheries information was requested by fax on November 9, 1998. Additional information was provided on the riparian and wildlife concerns on June 9, 1999. This information was returned to the appropriate reviewer for comment. The information addressed concerns regarding revegetation. Some concerns remained respecting the pre-construction vegetation surveys, as the surveys had been undertaken in the late summer and fall of 1998. These surveys would not necessarily be able to identify rare plants or provide a thorough inventory of plant species. Since many of the project sites have little or no existing riparian vegetation, it was decided that department staff should verify which sites may have vegetation concerns, and that a strategy to address any remaining concerns can be developed after the inspection. This approach can be reflected in a licence condition.

Discussions concerning fisheries impacts occurred between the federal and provincial fisheries agencies and the Proponents and their consultants. Agreement was reached on appropriate project design and mitigation criteria, and an Authorization pursuant to Section 35(2) of the Fisheries Act was issued for seven of the 12 sites of the project on September 24, 1999.

PUBLIC HEARING:

As no public concerns were identified, a public hearing is not recommended.

RECOMMENDATION:

All comments received on the Proposal can be addressed through licence conditions or have been addressed in additional information. 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 with respect to sites in the rural municipalities of St. Francois Xavier and Cartier and the South-Central Region with respect to sites in the Rural Municipality of Portage la Prairie.

The Draft Environment Act Licence applies to the same sites as the DFO Authorization. (These are the sites proposed for construction in the fall of 1999.) It is recommended that the Licence be amended as appropriate in the future to include the remaining sites once fisheries issues at these sites are resolved.

PREPARED BY:

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