

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Municipality of Norfolk Treherne

PROPOSAL NAME: Road 54W Realignment

CLASS OF DEVELOPMENT: Two

TYPE OF DEVELOPMENT: Transportation and Transmission – Two Lane Roads at New Location

CLIENT FILE NO.: 5934.00

OVERVIEW

The Proposal was received on October 30, 2017. It was dated October 27, 2017. The advertisement of the Proposal was as follows:

“The Municipality of Treherne Norfolk has filed an Environment Act proposal for the realignment of Road 54W, a 2-lane municipal road within the Whitemud Watershed Wildlife Management Area. The realignment is required due to significant movement of the road due to bank failures caused during the flooding of the Assiniboine River in 2011. The anticipated construction start date is January/February 2018.”

The Proposal was advertised in the Treherne Times on Thursday, November 23, 2017. It was placed in the following public registries:

- Legislative Library (Winnipeg)
- Millennium Public Library (Winnipeg)
- Online: <http://www.gov.mb.ca/sd/eal/registries/5934treherne/index.html>

The Proposal was distributed to Technical Advisory Committee (TAC) members on January 2, 2018.

The closing date for comments from members of the public and TAC members was December 15, 2017 and January 12, 2018 respectively.

COMMENTS FROM THE PUBLIC

No public comments were received on the Proposal.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Technical Advisory Committee (TAC) responses are summarized in Table 1 below. Substantive comments and their dispositions follow the table. TAC comments are provided in full in the public registries.

Table 1 Municipality of Norfolk Treherne – Road 54 W Realignment
Technical Advisory Committee Comments

No	Technical Advisory Committee Member	Response Provided
1	Canadian Environmental Assessment Agency	No response
2	Manitoba Agriculture – Land Use Branch	No response
3	Manitoba Sustainable Development –	
	Environmental Compliance and Enforcement Branch	January 10, 2018
	Climate Change and Air Quality Branch	No response
	Wildlife and Fisheries Branch	No wildlife concerns
	Parks and Protected Spaces Branch	No response
	Forestry and Peatlands Branch	No response
	Indigenous Relations Branch	No response
	Lands Branch	No response
	Water Science and Watershed Management Branch:	
	Water Quality Management Section	No response
	Groundwater Management Section	No concerns
	Office of Drinking Water	No concerns
	Water Use Licensing Section	No response
	Water Control Works and Drainage Licensing Section	No response
	Western Region Integrated Resource Management Team	No response
4	Manitoba Sport, Culture, and Heritage – Historic Resources Branch	January 12, 2018
5	Manitoba Growth, Enterprise and Trade –	
	Energy Development Branch	No response
	Petroleum Branch	No response
	Office of the Fire Commissioner	No response
	Workplace Safety and Health	No response
6	Manitoba Infrastructure – Highway Planning and Design Branch	January 15, 2018
7	Manitoba Municipal Relations – Community and Regional Planning Branch	No response
8	Manitoba Health, Seniors and Active Living – Environmental Health Unit	No response

Environmental Compliance and Enforcement Branch

Environmental Compliance and Enforcement has reviewed the Environment Act Proposal identified as Municipality of Norfolk Treherne - Road 54W Realignment - File: 5934.00. The Environmental Compliance and Enforcement Branch recommends inclusion of terms and conditions that will facilitate procedures for compliance monitoring, and containment of dangerous goods that may be stored at the construction site, and sediments.

1. An Environment Officer of the Portage la Prairie Office of the Environmental Compliance and Enforcement Branch should be notified at least two weeks prior to commencement of clearing and construction and provided the following information:
 - a) the name and contact information of the proponent's environmental supervisor assigned to the project,
 - b) the proposed schedule of activities,
 - c) emergency response plans acceptable to the director.
2. The storage sites for petroleum products, and other dangerous goods, should have minimum setback distances from waterbodies.
3. Materials and equipment should be available at the site to contain accidental releases of dangerous goods, and also to contain the transport of sediments to waterbodies.

Disposition:

These comments can be addressed through licence conditions.

Manitoba Sport, Culture, and Heritage – Historic Resources Branch

Further to your request for review and comments on the Environment Act Proposal submitted by the Municipality of Norfolk Treherne for the proposed road 54W, the Historic Resources Branch has examined the location in conjunction with Branch records for areas of potential concern. The proposed area is located at the centre of a horseshoe in the Assiniboine River, an ancient and active riverine feature and historical watercourse route. Additionally, there is a documented archaeological site roughly 1Km north of the projects area, with additional sites in the surrounding area and upriver. These factors suggest that any excavation of ground materials within the proposed area, including the grading of the Assiniboine Riverbank, has the potential to impact heritage resources. Therefore, the Historic Resources Branch has concerns with the proposed work.

Under Section 12(2) of The Heritage Resources Act, if the Minister of Sport, Culture and Heritage has reason to believe that heritage resources or human remains are known, or thought likely to be present, on lands that are to be developed, then the owner/developer is required to conduct at his/her own expense, a heritage resource impact assessment (HRJA) and mitigation, if necessary, prior to the project's start.

The developer must contract a qualified archaeological consultant to conduct a Heritage Resources Impact Assessment (HRIA) prior to development, in order to identify and assess any heritage resources that may be unearthed during future road realignment efforts and riverbank stabilization. If desirable, the Branch will work with the developer/land owners and its consultant to draw up terms of reference for this project.

Disposition:

This comment can be addressed as a licence condition.

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

Manitoba Infrastructure (MI) has reviewed the proposal under the Environment Act noted above and MI's Water Management, Planning and Standards Branch has the following concerns:

The proposed road realignment lies approximately 20 metres (65.6 feet) above the ordinary high water level of the Assiniboine River. Flood imagery from 2011 and 2014 show that the location of the proposed alignment was not inundated by floodwaters during those events. However, Road 54W had experienced significant movement as a result of the 2011 flood event.

Water Management, Planning and Standards is aware that the site has had a history of erosion, slumping, and bank failure. In May, 2010, our office recommended against the Crown Land Sale 63541 at this location, due to the inherent risks (see correspondence attached.) If the Environment Act Proposal is approved in spite of the erosion and instability concerns, all work should be approved by a geotechnical engineer licensed to practice in Manitoba.

Should you have any questions regarding the comment above, please contact Michelle Methot, Development Review Specialist at Michelle.Methot@gov.mb.ca.

Disposition:

The project area has been the subject of numerous geotechnical reviews and studies by four consultants since 2011. The selected options have been developed in light of the recommendations made, and supervision in the preparation of the Proposal was provided a professional geoscientist.

ADDITIONAL INFORMATION

No additional information was required to address public or Technical Advisory Committee comments.

PUBLIC HEARING

As no requests were received for a public hearing, a public hearing is not recommended.

CROWN-INDIGENOUS CONSULTATION

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of the Indigenous rights of that community.

The proposal involves the realignment of a municipal road in a wildlife management area. Since resource use is not expected to be affected by the project, it is concluded that Crown-Indigenous consultation is not required for the project.

RECOMMENDATION

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.

Administration of the Licence should be assigned to the Central Region of the Environmental Compliance and Enforcement Branch.

PREPARED BY:

Bruce Webb for Darrell Ouimet
Environmental Approvals Branch – Land Use and Energy Section
January 24, 2018
Telephone: (204) 945-7021
Fax: (204) 945-5229
E-mail: bruce.webb@gov.mb.ca