

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Tundra Oil & Gas Limited
PROPOSAL NAME: North Solution Gas Gathering Flowline Project
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Transportation and Transmission - Pipeline greater than 10 km
CLIENT FILE NO.: 6135.00

OVERVIEW

The department received the Environment Act Proposal (proposal) from Tundra Oil and Gas Limited on December 2, 2021. It was dated November 25, 2021. The proposal was for the construction and operation of six new interconnected flowline segments totaling 46 km in length in the RMs of Wallace-Woodworth and Pipestone in the area between Kola, Cromer, and Antler, within Manitoba. The flowlines will collect and transport unrefined solution natural gas from six existing battery facilities to a compressor terminal located northwest of Sinclair, Manitoba.

The department advertised the proposal in the Virden Empire Advance on December 17, 2021 for public comments. It was also placed in the Public Registry at: <https://www.gov.mb.ca/sd/eal/registries/6135/index.html>.

The department distributed the proposal to Technical Advisory Committee (TAC) members for comments on December 10, 2021.

The closing date for comments from the public and TAC was January 14, 2022.

Based on the comments received from the public and TAC, additional information was requested from the proponent on February 4, 2022. The proponent responded to the information request on March 1, 2022.

Summaries of the comments received from the public and TAC, the additional information requests and responses, as well as how they were considered in the assessment and licensing decision, are provided in this report.

COMMENTS FROM THE PUBLIC

The department received one comment on the proposal. A summary is provided below. The full comment is available on the public registry at (<https://www.gov.mb.ca/sd/eal/registries/61235index.html>).

D. M. LeNeveu M.Sc. on Behalf of What the Frack Manitoba (Dec. 18, 2021)

The proposal does not contain information on the sour gas content of the solution gas to be transported. The proposal should clearly state the concentration of hydrogen sulfide (H₂S) in the solution gas and comprehensively describe the mitigation measures regarding leaks and ultimate disposal of the H₂S in the solution gas.

Information Request:

Information on the concentration of H₂S in the solution gas and the proposed mitigation regarding leaks and disposal of the H₂S was requested from the proponent.

Response to Information Request:

The proponent provided information regarding:

- The licensing of this type of facility under Manitoba's legislation, including the reporting requirements related to H₂S content and signage requirements at the facility
- Greenhouse gas emissions reporting to Environment and Climate Change Canada
- The predicted levels of H₂S in the flow line
- Design of the facility following CSA standards
- The leak detection system, which provides 24/7 monitoring of this flowline system
- The final destination of the H₂S gas

Disposition:

The proponent's responses to the information request address the concerns raised by the member of the public.

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: Technical Advisory Committee Comments

No	Technical Advisory Committee Member	Response Provided	Date Received
1	Canadian Environmental Assessment Agency	No response	
2	Manitoba Agriculture and Resource Development: <ul style="list-style-type: none"> • Wildlife and Fisheries (Wildlife) • Wildlife and Fisheries (Fisheries) • Forestry and Peatlands • Lands Branch • Regional Lands Manager • Water Quality Management Section • Groundwater Management Section • Mines Branch • Petroleum Branch 	See below No response No concerns No response No response See below See below No concerns No concerns	January 14, 2022 December 15, 2021 December 30, 2021 January 25, 2022 December 29, 2021 January 12, 2022
3	Manitoba Conservation and Climate: <ul style="list-style-type: none"> • Compliance and Enforcement Branch • Air Quality Management • Waste Diversion • Waste Diversion and Recycling • Office of the Drinking Water • Drainage and Water Rights Licensing: <ul style="list-style-type: none"> • Water Use Licensing • Water Drainage • Climate and Clean Technology • Parks and Protected Spaces Branch 	See below No response No response No response No concerns See below See below No response No concerns	December 13, 2021 December 13, 2021 December 13, 2021 January 10, 2022 December 13, 2021
4	Manitoba Sport, Culture, and Heritage – Historic Resources Branch	See below	January 4, 2022
5	Municipal Relations: <ul style="list-style-type: none"> • Inspection and Technical Services • Community and Regional Planning • Office of the Fire Commissioner 	No response	
6	Economic Development and Training – Workplace Safety and Health	No response	
7	Manitoba Health, Seniors and Active Living – Environmental Health Unit	No response	
8	Manitoba Infrastructure	No response	

Manitoba Agriculture and Resource Development – Wildlife and Fisheries Branch

Comments on Environment Act Proposal:

Information was requested regarding what process will be followed and what mitigation will be applied if stick nests or dens are observed along the right-of-way during construction?

The branch expressed their appreciation for the proponent's efforts to avoid sensitive wildlife areas, including some route deviations due to the presence of sharp-tailed grouse lek sites, and not construct during the spring lekking period.

In addition to these measures, monitoring grouse activity on the lek adjacent to the project in SE-35-009-29W1, and reclamation to pre-construction conditions of the portion of the right-of-way immediately adjacent to the lek site for at least two years post-construction, was requested.

It was recommended that the proposed post-construction assessments to evaluate vegetation reclamation and invasive species presence be required as licence conditions.

Information Request:

The department requested the proponent to provide more information on the process and mitigation if stick nests or dens are observed along the right-of-way during construction.

Response to Information Request:

Field searches for migratory bird nests, large raptor stick nests, and mammal dens will be conducted by qualified biologists between July 15 to the end of August along sections of the flowline right of way in suitable wildlife habitat, to determine the presence of migratory bird nests. If active nests or dens are found, the appropriate federal and provincial setbacks will be implemented during construction. If no setbacks exist, the local provincial wildlife biologists will be contacted to discuss acceptable mitigation measures. Construction will proceed after the nests or dens are inactive and an additional search has been conducted to confirm there are no new active nests or dens.

Disposition:

The process and mitigation proposed by the proponent in their response to the information request regarding the discovery of stick nests and dens addressed the branch's concerns. A clause is included in the draft licence requiring the proponent to undertake the proposed mitigation. Clauses requiring of monitoring grouse activity and reclamation of the right-of-way adjacent to the lek site, as well as reports on the results of the monitoring, were also included in the draft licence.

Manitoba Agriculture and Resource Development - Water Quality Management Section

Comments on Environment Act Proposal:

Information on the following was requested:

- contingency plans related to accidental spills were requested; and.
- less toxic alternatives to using methanol for flowline testing.

The following licence conditions were recommended:

- collection of samples at the two river crossings for total suspended solids during construction; and
- the proponent is required to actively participate in any future watershed based management study, plan/or nutrient reduction program, related to any accidental discharges.

Information Request:

Information on alternative line testing mediums was requested.

Response to Information Request:

The use of methanol for pressure testing will be avoided if possible. Fresh water will be used if temperature conditions allow. Legislation requires that testing occurs within six months of initiating operation of the flowline. A methanol and water mixture would be used if the temperature is below freezing. All of the test medium will be recovered and returned to the supplier.

Disposition:

Clauses requiring contingency plans, water sampling during construction, and participation in future watershed studies or programs are included in the draft licence. The proponent's response to the information request regarding testing mediums addressed the branch's concerns. During a follow up discussion with the TAC member, it was proposed to use turbidity as a measure of water quality. The draft licence includes this requirement.

Manitoba Agriculture and Resource Development - Groundwater Management Section

Comments on Environment Act Proposal:

Several phases of the flowline project could have potential impacts to the local groundwater, including construction, hydrostatic testing, and operation of the flowline. More information is needed regarding contingency plans for accidental spills, including pre-spill planning. An evaluation of the potential impact of the flowline construction and operation on the current groundwater resources of the area is required. All spill contingency and response plans must include a notification to landowners and the identification of the active groundwater wells that could potentially be impacted.

Information Request:

An evaluation of the potential impact of the flowline construction and operation on the current groundwater resources of the area was requested from the proponent.

Response to Information Request:

To meet CSA standards, Tundra has implemented an 'emergency planning zone' between 30 m to 160 m of the flowline. Detailed response and mitigation plans will be developed for accidental leaks, spills, or releases within this zone. A state-of-the-art leak detection system with 24/7 monitoring of the flowline will be installed. This will allow for immediate response to any accidental releases of solution gas.

Tundra has compiled an inventory of recorded groundwater well locations in proximity to the flowline. Of the 44 recorded groundwater wells within 800 m of the flowline, 11 were shallow wells for domestic use or livestock production. Tundra will field-verify the actual location of these wells and develop a prevention & mitigation plan for potential groundwater impacts. A list of landowners that should be notified in the event of accidental leaks, spills, or releases of solution gas has been compiled.

The actual depth of the flowline trench is 5 feet 6 inches. The planned horizontal directional drilling (HDD) under the Pipestone Creek crossings will vary from 1.7 to 3 m below the creek beds. There are no recorded domestic water wells within 200 m of the flowline, at either of the east or west Pipestone Creek crossings. Tundra will follow the Department of Fisheries and Oceans HDD operational guidelines to ensure potential impacts to water and aquatic life are addressed.

Disposition:

The proponent's response to the information requests addresses the Groundwater Management Section's concerns. The draft licence requires the proponent to prepare for approval an environmental contingency plan. The plan must include notifying the landowners who could be impacted and an inventory of groundwater wells in the area.

Manitoba Conservation and Climate - Environmental Compliance and Enforcement

Comments on Environment Act Proposal:

Environmental Compliance and Enforcement indicated that they had no concerns at this time. Comments were provided for the proponent's consideration related to spill reporting and requirements under the Petroleum Storage Regulation and Onsite Wastewater Management Systems Regulation.

Disposition:

The comments were forwarded to the proponent for their information.

Manitoba Conservation and Climate - Drainage and Water Rights Licensing - Water Drainage

Comments on Environment Act Proposal:

It was noted that there are no concerns as the proposal indicates that:

- for Class I, II, and dry Class III wetlands, the flowline will be ploughed-in, buried, and the wetland contours will be reclaimed to the original condition; and
- Class III wetlands holding water and Class IV wetlands within the right-of-way will be bored under (using horizontal directional drilling) to avoid impacts to overwintering amphibians.

Disposition:

The proposed measures for installation of the line through wetlands were included as conditions in the draft licence.

Manitoba Conservation and Climate - Drainage and Water Rights Licensing - Water Use Licensing

Comments on Environment Act Proposal:

It was noted that if water is being used for Hydrostatic Testing or for any other use (i.e. dust suppression), the proponent should contact the Drainage and Water Rights Licensing Branch for Water Use Licensing requirements.

Disposition:

The comments were forwarded to the proponent for their information.

Manitoba Sport, Culture, and Heritage – Historic Resources Branch

Comments on Environment Act Proposal:

As the project would cross several major watercourses and known heritage resources sites, there is concern that heritage resources could be impacted. The proponent and their heritage consultant are currently completing a heritage resource impact assessment for the proposed project, and have developed a Heritage Resource Protection Plan. The Heritage Resources Branch will continue to work with the proponent on the terms of reference for this project and potential mitigation strategies.

Disposition:

No further action is required under the environmental assessment and licensing process. The Historic Resources Branch is working directly with the proponent to address the requirements of The Heritage Resources Act. The draft licence contains a clause requiring the proponent to comply with the requirements of the act.

PUBLIC HEARING

There were no requests for a public hearing. A public hearing is not recommended.

CROWN-INDIGENOUS CONSULTATION

The Government of Manitoba recognizes that 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 project is to be located on privately owned, agricultural land where traditional use is unlikely. The flowlines will be horizontally directionally drilled under the two creek crossings, and any wetlands holding water. The project will cross some native grassland where cattle grazing occurs on lands owned by the Manitoba Habitat Heritage Corporation. Impacts to the exercise of Aboriginal and Treaty rights are not anticipated, therefore, Crown-Indigenous consultation was not required for the project.

RECOMMENDATION

The proponent's responses to the additional information request and licence conditions address the public and TAC comments. 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 Western Region of the Environmental Compliance and Enforcement Branch.

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May 9, 2022