

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPOSER: Manitoba Hydro
PROPOSAL NAME: St. Francois Xavier,
Natural Gas Transmission Pipeline
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Pipeline
CLIENT FILE NO.: 5629.00

OVERVIEW:

An Environment Act Proposal for the project was received on February 1, 2013. The advertisement of the Proposal read as follows:

“A Proposal has been filed by Manitoba Hydro for the installation of approximately 23 km of new natural gas pipeline from an existing gate station located at Selkirk Avenue (Road 63 North) west of the City of Winnipeg to a new gate station to be located at River Lot 216 in the Rural Municipality of St. Francis Xavier and continuing along the Trans-Canada Highway to an existing distribution line located east of the Town of Headingley.”

The Proposal was distributed to the "Transmission" Technical Advisory Committee (TAC) for review and was advertised in the Winnipeg Free Press on Saturday, February 16, 2013. It was placed in the following public registries: Conservation & Environment Library, Manitoba Eco-Network, Millennium Library, and on the Environmental Approvals Branch webpage. Comments were requested by March 18, 2013.

COMMENTS FROM THE PUBLIC:

Following is a summary of comments received from the public pertaining to the environmental assessment of the project. Copies of the original public comments are available in the Public Registries.

Peguis First Nation – Letter dated March 18, 2013

Peguis First Nation indicated that this project could adversely impact their First Nation and their ability to exercise their aboriginal and Treaty rights and they requested a meeting to discuss the project.

Disposition:

The letter was forwarded to the Aboriginal Consultation Unit to determine the requirements for, and carry out any required Crown-Aboriginal Consultation with Peguis First Nation.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Following is a summary of TAC comments received pertaining to the Proposal. Copies of the original comments from TAC are available in the Public Registries.

Manitoba Conservation and Water Stewardship - Wildlife and Ecosystem Protection Branch

No wildlife related concerns.

Disposition:

No action required.

Manitoba Conservation and Water Stewardship - Parks and Natural Areas Branch

A portion of the NGL pipeline depicted in Figure 1 (page 8) runs in the ditch parallel to the northern most boundary of Beaudry Provincial Park. Throughout the EAP Hydro references that the distance between the park boundary and the proposed pipeline is 200 m. Parks Branch would like to note that this distance is erroneous. According to the most recent Cadastral data the proposed pipeline at this location would only be 5 m north of the park boundary (a 200 m distance would put the pipeline on the north side of PTH 1 not the south as indicated). While this portion of the park is within the resource management land use category and currently under lease for agricultural cultivation, the Branch would like to ensure that the pipeline is not laid within the park. As such the Branch requests that MB Hydro update their sketched and ensure that those doing the ground work are outside the park boundary. Parks Branch recommends that MB Hydro obtain Trans Canada Highway plan # 11552 which describes the northern boundary of the park at this location.

Disposition:

These comments were forwarded to the proponent for their information and for comment. The proponent responded that the alignment would be surveyed prior to construction to ensure the pipeline would not be installed within the park and that the contractor, surveyors, and construction supervisors would be informed of the park boundary via a map. The proponents response addresses the Parks and Natural Areas Branch's concerns.

Manitoba Conservation and Water Stewardship - Sustainable Resource & Policy Management Branch and Lands Branch

The Sustainable Resource and Policy Management Branch and the Lands Branch have no concerns and note that the subject parcels of land are all under private ownership/tenure.

Disposition:

No action required.

Manitoba Conservation and Water Stewardship - Fisheries Branch

Fisheries Branch has reviewed this proposal to construct approximately 23 km of new 6” natural gas transmission pipeline from the west perimeter of the City of Winnipeg to the RM of St. Francois Xavier and new 8” medium distribution line running parallel to PTH 1 from a new gate station in River Lot 216 (private land) and tie-in to the existing distribution line located west of the Town of Headingley. The pipeline will be installed using trenching techniques in non-sensitive areas and directional drilling at all road crossings, watercourse crossings and environmentally sensitive areas. The pipeline will be pressure tested using water obtained from the City of Winnipeg, Town of Headingley or Village of St. Francois. Testing of required water chemistry parameters will occur before and after hydrostatic testing and erosion and sediment control measures will be used to dissipate the discharged water (road side ditches). There will be a yearly leak survey of the 6” steel pipeline and supervisory control and data acquisition (SCADA) monitoring at the station will identify any emergency situations occurring on the pipeline.

Directional drilling will occur at First Creek (2 crossings), Second Creek (two crossings), Third Creek (three crossings), Fourth Creek (one potential crossing) and Sturgeon Creek (one crossing). The watercourse crossing activity is scheduled to occur in early summer after peak spring flows have subsided. The proponent indicates adhering to the DFO MB Operational Statement for High Pressure Direction Drilling Version 3, DFO Manitoba Stream Crossing guidelines for the Protection of Fish and Fish Habitat DFO and MNR 1996 and the Manitoba Natural Gas and Petroleum Liquid Pipeline Hydrostatic Test Discharge guidelines (MWS 2007). They have also summarized a number of mitigation plans in Table 8. In addition to construction monitoring, the EPP for the project will include a drilling plan and a frac-out contingency plan.

Given all the watercourse crossings are to be directional drilled and the water for the hydrostatic testing is not coming from a surface water, it appears that any fisheries concerns have been mitigated through these actions and/or the identified mitigation plans and adherence to Guidelines. It would be beneficial perhaps to have licence clauses that indicate:

- All watercourses are to be directionally drilled and should another method be required (continued frac out leads to need to trench) then Fisheries Branch needs to be notified prior to commencing.
- Frac out emergency response plan outlined in the proposal doesn't indicate contacting MCWS when it occurs or even identifying in a report.
- Water used for hydrostatic testing must come from a municipal source; any decision to withdraw from surface water needs temporary water withdrawal licence from Water Branch and depending on time of year, amount of water available, etc. Fisheries Branch may have concerns with the request.
- Hydrostatic test water must not be released directly to surface water, preferably on grassed surface away from surface water and needs to be tested prior to release.
- Adherence to guidelines noted above as well as mitigation summarized in Table 8.
- Proposal does not indicate the distance from the creek that the directional drilling will occur just that no work will occur within the Ordinary High Water mark. Ideally it would be good if this could be done outside of the riparian area along these creeks

- (15 m for First, Second, Third and Fourth and 30 m for Sturgeon Creek). Erosion and sediment control measures should be implemented prior to, during and until the sites have stabilized.
- To minimize potential for introduction of foreign biota, ensure all equipment that is used in or near water is visually inspected (any plants, algae and animals removed), disinfected with a bleach solution and then rinsed off prior to using. Cleaning not to take place adjacent to the surface water.

Disposition:

The comments were addressed in the licence conditions and forwarded to the Proponent for their information.

Manitoba Conservation and Water Stewardship – Office of Drinking Water

I reviewed the above noted EAP for concerns respecting safety of public water systems. The EAP generally notes that impacts on ground and surface water in the project area are expected to be minimal. While the EAP does not note it, information on file at ODW indicates there are no water systems using ground or surface water anywhere in the project area.

I would note that the EAP states that water from public water systems (City of Winnipeg, Cartier Coop) will be used for pressure testing the pipeline. Backflow prevention measures in accordance with The Manitoba Plumbing Code, should be used to protect the public water systems from possible contamination during the testing.

Apart from this point, I did not notice any other cause for concern with the EAP from the standpoint of drinking water safety.

Disposition:

The comments were forwarded to the Proponent for their information.

Manitoba Conservation and Water Stewardship – Water Quality Management Section

The proposed natural gas pipeline will traverse what appears to be a relatively disturbed agricultural area. With respect to water quality, the most significant potential impact would be related to a spill or malfunction causing a release into a waterway during the construction phase of the project.

The proposal notes there are nine proposed watercourse crossings including Sturgeon Creek however the pipeline will be installed by directional drilling under the streambed in accordance with Department of Fisheries and Oceans Canada criteria. The proposal also commits to implementing a project environmental protection plan prior to commencement. It is further noted that the project proponent has committed to following Manitoba Conservation and Water Stewardship Hydrostatic Test guidelines when pressure testing this new pipeline. Implementation of an environmental protection plan

combined with the mitigation measures outlined in the proposal should be sufficient to alleviate potential concerns with respect to water quality.

Should the opportunity present itself, staff may be interested in attending on site during directional boring.

Disposition:

The comments were forwarded to the Proponent for their information.

Manitoba Conservation and Water Stewardship - Environmental Compliance and Enforcement

Central Region:

No concerns.

Disposition:

No action required.

Manitoba Infrastructure and Transportation

MIT has reviewed the Environment Act Proposal and we do not have any concerns with the development as proposed provided that:

- Agreements be undertaken with MIT for any proposed installations within or crossing any departmental roads (PR or PTH). Detailed design drawings will be required for MIT's review prior to any works taking place.
- Permission is acquired from MIT prior to any water being discharged from the hydrostatic testing into any departmental road ditches.

Disposition:

The comments were forwarded to the Proponent for their information.

Manitoba Innovation, Energy, and Mines – Mines Branch

No concerns.

Disposition:

No action required.

Canadian Environmental Assessment Agency (CEAA)

This email is to confirm receipt of the Environment Act Proposal for the construction of the St. Francois-Xavier Natural Gas Pipeline and Gate Station by Manitoba Hydro (MC File 5629.00).

As you know, the Canadian Environmental Assessment Act, 2012 (CEAA 2012) came into force in July 2012, focusing federal attention on those project proposals that have a greater potential for significant adverse environmental effects in areas of federal jurisdiction. The Regulations Designating Physical Activities identify the activities which, if carried out individually or in combination, would constitute a “designated project” that is subject to the requirements of CEAA 2012.

The proponent is responsible for confirming its federal regulatory responsibilities associated with its project. In your response to the proponent, please advise it to review the noted regulations (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-147/index.html>) and contact the Canadian Environmental Assessment Agency if its proposal includes any activity described.

Disposition:

The comments were forwarded to the Proponent for their information.

PUBLIC HEARING:

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

CROWN-ABORIGINAL CONSULTATION

An Initial Assessment and Record of Conclusion report was completed for this project. The report concluded the following:

- The project is not expected to infringe upon or adversely affect the exercise of any Aboriginal rights or treaty rights. Hunting, fishing, trapping, or the gathering of traditional plants are unlikely within the proposed pipeline right of way. Changes to the opportunity to engage in these activities as a result of the project are not expected.
- Therefore, the Crown likely does not have a duty to consult with any First Nations, Metis Communities or other Aboriginal communities about this project. However, because some First Nations have asserted that they may have concerns about the effect of the project on their rights and interests it is recommended that consultation on the lower end of the consultation spectrum be undertaken these First Nations.

The Aboriginal Consultation Unit has initiated a process of low level consultation with the First Nations.

RECOMMENDATION:

The comments received on the Proposal can be addressed as conditions of licensing for the project, or have been forwarded to the Proponent for their information. Therefore, it is recommended that the Development be licensed (only upon completion of Consultation)

under The Environment Act subject to the limits, terms, and conditions as described in the attached Environment Act Licence. It is further recommended that enforcement of the Licence be assigned to the Central Region prior to construction.

PREPARED BY:

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