

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Manitoba Infrastructure and Transportation
PROPOSAL NAME: PTH 1A (First Street) Bridges over the Assiniboine River
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Transportation and Transmission
CLIENT FILE NO.: 5776.00

OVERVIEW:

The proposal submitted pursuant to *The Environment Act* for the project was dated June 30, 2015. The advertisement of the Proposal read as follows:

“A Proposal has been filed by Manitoba Infrastructure and Transportation to demolish and replace the existing bridge on PTH 1A (First Street) in the City of Brandon, which spans over the Assiniboine river and Canadian Pacific rail tracks. The existing structure will be replaced with twin northbound and southbound bridges with longer spans and a reduced number of piers in the river. Construction is anticipated from late 2015 to late 2017.”

The Proposal was distributed to the "Transportation" Technical Advisory Committee (TAC) for review and was advertised in the Brandon Sun newspaper on Saturday, July 11, 2015 and on the Environmental Approvals Branch website. It was placed in the following public registries: Legislative Library, Millennium Public Library, and the Environmental Approvals Branch website. Comments were requested by August 11, 2015. Comments received from the TAC were placed in the public registries.

An information request was sent to the proponent on July 28, 2015. A response was received from the proponent on August 5, 2015. The information request and the proponent's response were placed in the public registries.

ASSESSMENT OF PUBLIC COMMENTS:

No comments were received from the public in response to the Proposal advertisement.

ASSESSMENT OF COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE (TAC):

Following is a summary of the assessment 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, Office of Drinking Water

The Assiniboine River is the raw water source for the City of Portage la Prairie and if a major spill of petroleum product (fuel) or related material into the river occur during construction, it could possible impact the City of Portage la Prairie water supply. As such, ODW would recommend that contact information for the City of Portage la Prairie water treatment plant be included in the emergency response plan for the project with instructions that, in the event of a major spill of fuel or similar material into the river, the City of Portage la Prairie water plant operators be contacted.

Disposition:

The licence contains a condition that requires the proponent to include notification to the City of Portage water treatment plant operator in the event of a release or an emergency that could impact the City's drinking water.

Manitoba Conservation and Water Stewardship, Water Control Works and Drainage Licensing Section

No concerns.

Disposition:

No action required.

Manitoba Conservation and Water Stewardship, Lands Branch

No concerns.

Disposition:

No action required.

Manitoba Conservation and Water Stewardship, Parks and Protected Spaces Branch

No comments or concerns.

Disposition:

No action required.

Manitoba Conservation and Water Stewardship, Wildlife and Fisheries Branch

We have no wildlife related concerns to express, as it seems that they've developed their mussel survey, relocation, and monitoring plan quite well, and their federal species at risk permit will suffice for this project.

Disposition:

No action required.

Manitoba Municipal Government, Community and Regional Planning

No concerns.

Disposition:

No action required.

Manitoba Tourism, Culture, Heritage, Sport, and Consumer Protection; Heritage Resources Branch

Further to your memo requesting a heritage screening for the above bridge replacement, I have examined the location of the Project (the "Planned Area") in conjunction with the Historic Resources Branch ("HRB") records for areas of potential concern and can advise that the project is located adjacent to the Assiniboine River and is associated with physical features deemed attractive for past use. Therefore, the potential to impact significant heritage resources has been deemed moderate in this area and HRB has some concerns with the project.

Under Section 12(2) of The Heritage Resources Act of Manitoba, being the governing legislation for HRB, if the Minister of Culture, Heritage, and Tourism 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 may be required to conduct at his/her own expense, a heritage resource impact assessment (HRIA) and mitigation, if necessary, prior to the project's start.

The Historic Resource Branch recommends that the developer contract a qualified archaeological consultant to conduct a Heritage Resources Impact Assessment ("HRIA") of the Planned Area, in order to identify and assess any heritage resources that may be negatively impacted by development. If desirable, HRB will work with the developer/land owners and its consultant(s) to draw up terms of reference for the HRIA. HRB may provide a list of qualified archaeological consultants upon request.

Disposition:

No action required. The proponent committed in the Proposal to use the results of the HRIA to develop a mitigation and monitoring plan to eliminate any risk/impact to Heritage Resource. If heritage resources of significance are found in the assessment, a report will be submitted to the Historic Resource Branch for review and follow up.

Canadian Environmental Assessment Agency

The proposed bridge replacement is not a designated physical activity under CEAA 2012, therefore the Agency will not be participating in the review. I noted that the Proposal makes

reference to the Navigation Protection Act but has not identified the potential application of the Fisheries Act. It may be that Manitoba Infrastructure and Transportation (MIT) has been in contact with Fisheries and Oceans Canada or has undertaken the self assessment and determined that the Fisheries Act does not apply, however I thought that I should flag the potential for this federal act to apply.

Disposition:

The comments were forwarded to the proponent for their information.

INFORMATION REQUEST:

On July 28, 2015 a request was sent to MIT for the plan for the mussel survey, salvage, relocation, and monitoring that was missing in the proposal document. MIT provided the information on August 5, 2015.

PUBLIC HEARING:

No public comments were received in response to the Proposal advertisement.

CROWN-ABORIGINAL CONSULTATION:

Crown-Aboriginal Consultation was not conducted for this project as it is not likely to adversely affect the exercise of an Aboriginal or treaty right since the project consists of the replacement of an existing bridge within the City of Brandon.

The Proposal indicates the following:

MIT completed a Crown Aboriginal Consultation Initial Assessment and Record of Conclusion. Based on this assessment, no Aboriginal consultation/engagement was deemed to be required for this Project. In addition to the initial assessment, the following additional factors were considered (but not limited to):

- MIT had already conducted a Public Consultation (Landmark 2014) where no Aboriginal/First Nations groups had expressed concerns;
- There was no First Nations lands within (at least) a 30 km radius of the project site; and
- There was no known domestic harvest activity at the site.

RECOMMENDATION:

The TAC comments received on the Proposal can be addressed in the mitigation proposed by the proponent, as conditions of the licence for the project, or have been forwarded to the proponent for information where applicable. Therefore, it is recommended that the Development be licensed 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 Western Region prior to construction.

PREPARED BY:

Elise Dagdick
Manitoba Conservation and Water Stewardship
Environmental Approvals Branch
Land Use and Energy Section
Telephone: (204) 619-0709
Fax: (204) 945-5229
e-mail: elise.dagdick@gov.mb.ca

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