

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: EOG Resources Canada Inc.
PROPOSAL NAME: Waskada Pipeline Project
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Pipe lines
CLIENT FILE NO.: 5450.00

OVERVIEW:

The Proposal was dated February 11, 2010, and received on February 17, 2010. The advertisement of the Proposal read as follows:

“A Proposal has been filed by EOG Resources Canada Inc. to construct and operate an oil pipeline consisting of approximately 104 km of 219.1 mm pipeline from the existing EOG Waskada Battery in 21-01-25 W1M to the existing Tundra facility in 16-09-28 W1M. The pipeline route traverses the Rural Municipalities of Pipestone, Albert, Arthur, and Brenda, Manitoba. Construction of the project is anticipated in mid 2010. Completion is targeted for the fourth quarter of 2010.”

The Proposal was distributed to the "Transmission" TAC for review and was advertised in the Brandon Sun on Saturday February 27, 2010 and the Reston Recorder, Deloraine Times & Star, and Melita New Era on Wednesday March 3, 2010. It was placed in the following public registries: Conservation & Environment Library, Manitoba Eco-Network, Western Manitoba Regional Library in Brandon, and Lakeland Regional Library in Killarney. Comments were requested by April 1, 2010.

COMMENTS FROM THE PUBLIC:

The following public comments were received in response to the Environment Act advertisement of the Proposal.

Glen Campbell (e-mail dated April 19, 2010)
Reston, MB
glcampbells@gmail.com

I have two major environmental concerns regarding the pipeline. The pipeline will cross a portion of the Oak Lake Aquifer which is an 800 sq. mi. shallow aquifer. This is a very important source of water for rural and urban residents in this corner of the province. The potential for contamination of the aquifer is high during construction as trenching will be into the water table in many locations and during the operation of the pipeline should a leak ever occur along the section of pipeline buried in the aquifer. Water quality may also be affected should the pipe rupture at locations under waterways just as the recent Enbridge spill on the Bosshill Creek at Virden.

My other concern is the plan to abandon the pipeline in place at the time that it is no longer useful. I don't feel that landowners should be burdened with an old pipeline on their land. Many landowners are concerned that as environmental awareness grows and legislation changes, future land values could be affected by the existence of this old pipeline. It could be a similar situation to property on which there was once a filling station. The land won't sell until it is cleaned up. In my opinion, if the pipeline companies put the pipeline in, they should also take it out when it is no longer in use.

Disposition:

The licence conditions and mitigation measures outlined in the proposal pertaining to pipeline failure and spills address the environmental concerns.

Tim and Ellen Palmer (e-mail dated April 19, 2010)

Section 20-2-25, MB

ellenruthpalmer@hotmail.com

We are writing in regards to an environmental application that EOG Oil Company is planning to file, or maybe has filed by this time, with your department to construct a pipeline from their batteries in the Waskada area to Cromer. The proposed path of this pipeline would run across our home section of farmland and we have grave concerns for our property and the impact such a project would have on our land. We purchased this section from my parents who in turn had purchased it from our grandparents. We live in the yard my grandparents lived in and raised my father and his siblings on. We raised our four children on this farm. We have been making land payments on this property since 1974 and grain farmed it until 1995 when declining grain prices and the dissolution of the Crow and other factors lead us and many small farmers to the cash rent way of life. We came very close to losing the farm to creditors as we struggled to meet our financial commitments due to factors out of our control. Today, the income from the cash rent allows us to continue to make our payments while we both work at a variety of off the farm jobs. We have maintained a herd of 40 cows and are now busy calving. We enjoy daily walks on our property and the peace and quiet it offers us from the daily routine. Approximately 40 acres of our pasture are native grasslands as they have never been put to the plow and the abundance of native flowers and grass species is amazing. Many school projects have involved treasure hunts for Indian arrowheads or native plants down in the pasture. The proposed pipeline will dissect this area.

We are in no way opposed to the oil industry and appreciate and acknowledge the positive impact it has had on our community. We are community people and some of our best friends are here because of the oil industry. Our concern is to protect our investment in our farm – the investment that we have spent our lifetime building and plan to leave in the family name to our children when we are gone. It is all we have to show for 35 years of hard work and we love this farm. It is also a major source of income for us and we feel it would be devalued by the pipeline crossing it and the potential for future problems would be a deterrent to our renters in the future. We have been witness to the continuing

problems with another pipeline in our areas and the effects on our neighbours as their hands were tied by the caveats and permits that the oil company holds as permission to excavate and investigate and repair at will for years and decades. Once the papers are signed the land owner has little control over their own property and this land is all we have.

Our main environmental concerns are the potential for leaks and contamination of the soil and water on the farm as well as the reclamation of the excavation sites. Our small herd waters at dugouts that this pipeline would pass within meters of. We also are concerned by how close it passes by our yard site. Also – who is to say that in the future we or one of our children may not want to start a new yard site in the areas affected by the pipeline? The native grassland with its buffalo wallows and wildflowers are also a factor and it was interesting to note that we were never asked by any of the oil representatives if any of our land fell under this category.

Please keep our concerns and those of the other landowners involved in mind while you ponder the applications put forth from EOG concerning this pipeline. We are small but we have been on this land for generations and we want to be dealt with fairly. Thank you, in advance, for your consideration of these issues.

Disposition:

Concerns regarding the disturbance of native grasslands, contamination of soil and water, and reclamation of excavation sites are addressed in the mitigation measures outlined in the proposal and in the conditions of the Licence.

William Dickinson (e-mail dated April 22, 2010)

Waskada, MB

abhdick@goinet.ca

One of my main concerns with the pipeline is the fact that in 20-30 years the pipeline will be dug up in various places for repairs disturbing the land again and causing problems with alkali.

This is obvious by looking at the current pipeline owned by PennWest which is now in the process of repairing its' line and causing all kinds of messes in the landowners fields.

Disposition:

Concerns regarding the impacts on the soil and land from future maintenance of the pipeline are addressed in the licence conditions pertaining to topsoil separation, grading, and reclamation and in the mitigation measures outlined in the Proposal regarding soil separation.

William Dickinson (e-mail dated May 4, 2010)
Waskada, MB
abhdick@goinet.ca

Here are some of my concerns of having an oil pipeline go through the middle of my property. We have heavy clay land and trenches put in the seventies are still visible today. Trenches across our fields will cause expensive repairs to have to be made to our farm equipment. If my air seeder or sprayer fall into the trench, twist a frame or break a tire off, I lose valuable time and money and this will happen for sure. We have a existing pipeline owned by Penwest near our property. They are currently fixing and replacing their pipeline (apx. 100 digs) leaving large trenches and mess in farmers fields. These trenches were left open all winter with no barricade put around them. It is just a matter of time before we have a large oil spill or explosion were somebody is hurt or killed and it could be me if EOG is allowed to put a oil pipeline on my property. I am the one who has to live and work beside it everyday. We also have alkali problems in our low lying areas, so when they put a trench across my farm that's were the water will lay and I will have a alkali problem forever. Who is responsible for the pipeline if the oil company quits production or goes broke. I hope I am not responsible for something I do not want on my property yet I can not stop them from coming on.

Disposition:

Licence conditions and mitigation measures outlined in the proposal regarding contamination, accidents, soil handling, compaction, grading, and follow-up repairs of trenches after construction and maintenance of the pipeline address the concerns.

Darryll Breemersch (e-mail dated May 2, 2010)
b_breemersch@hotmail.com

This is Darryll Breemersch here, I am just emailing you regarding the pipeline. First of all I want to make it understood that there are over 20 land owners that have not signed this right of way that EOG is seeking. We don't want any part of their pipeline going through our property. We have seen firsthand what the pennwest company is doing to our property, these companies have no regard for the owners rights or the environment. They dig to repair their pipeline late in the fall after the ground is frozen. This does not allow them to separate the black dirt from the clay, and then they leave the holes open over winter with no markers around the hole. We have to seed around the dig sites because they are too late closing them. We then have go back later on and seed these areas when the conditions are suitable. The EOG pipeline is going past two of our yard sites, this will put us and our water supplies in jeopardy. This makes me very nervous living so close to an accident waiting to happen for the rest of my life, my son's lives, and possibly my grandchild's lives. I don't want to pass this burden on to them.

Disposition:

Mitigation measures outlined in the proposal and licence conditions pertaining to contamination and accidents address the environmental concerns.

Terrance and Sylvia Cocquyt (letter dated May 17, 2010)
W1/2 12-2-26, MB

This land is part of our retirement and we are concerned about future devaluation of our land. We would like to pass on some of our objections to having an oil pipeline go through our property.

- 1) We have been part of the issues arising from an old pipeline agreement that we signed that allowed them to cross our land. Penn West owns this line at present. They did not own it at inception. We have no control or input as to who will answer to us or to be responsible in the future.
- 2) This project creates inconveniences to our renters thus ourselves. They are compensated for crop loss, but not inconvenience.
- 3) We feel as past farmers and renters of land that this devalues rental prices. Does this proposed pipeline, if completed, devalue our land in the future?
- 4) Who is responsible if the line is abandoned?
- 5) Is this caveat to be on our land forever?

These questions are some of our concerns as we look back on our previous agreement that we signed many years ago. We do not want to repeat past mistakes.

Disposition:

Environment Act Licences are binding to new owners of the Development. The effect of the project on land values is not within the scope of the assessment process under the Environment Act.

Gaile Whelan Enns (letter dated June 2, 2010)
Manitoba Wildlands
Winnipeg, Manitoba

A summary of this letter is provided below. A copy of the letter is available in the public registries.

- There is no information such as correspondence, open house, and planning materials related to the project in the public registry file from prior to the proposal being filed.
- Information on proposed mitigation for Species at Risk is absent from the Environmental Assessment document.
- Wildlife field studies should be conducted prior to the environmental assessment process so the findings can be reviewed.
- The proposal contains little information on alternatives, construction, and how the environmental impacts of this assessment were evaluated.
- The proposal does not reference guiding or scoping documents other than for cumulative effects assessment, and the regulatory and public policy framework are not identified.
- The proposal does not contain sufficient information about green house gas emission.

- It is misleading to conclude that the residual effects of pipeline construction and operation on fish and fish habitat are not significant due to the potential for a large spill.
- The “Assiniboine River Watershed Source Water Protection Plan” and “The Way Forward: Strategic Plan 2008-2010” should be referenced in the Waskada environmental assessment.
- The environmental assessment does not provide information on whether First Nations were contacted regarding this proposal.
- The methodology for the field studies should be provided in the proposal.
- There are a number of acts and regulations that should be highlighted in the proposal.

Disposition:

Planning and public consultation materials, references to guidelines and legislation, and an outline of the regulatory and public policy framework are not requirements in Environment Act Proposals. Proposed mitigation measures for Species at Risk were provided in Appendix 6B of the Proposal document. Details on construction methods are provided in Section 2 of the Proposal and the methodology for the environmental assessment is outlined throughout the entirety of Section 6. Licence conditions require that wildlife and vegetation studies are submitted, reviewed, and approved prior to construction. Additional information on alternatives and green house gases was requested by Manitoba Conservation and was provided by EOG. The potential environmental effects of the pipeline construction and operation were evaluated in the proposal and residual effects were deemed insignificant upon consideration of the proposed mitigation measures. The potential for a large spill was also assessed and prevention and mitigation measures were outlined. It is the responsibility of the Crown to consult with aboriginals regarding developments that may affect their Rights. The aboriginal consultation requirements for this project have been fulfilled.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation

Parks and Natural Areas Branch

The proposed pipeline passes between two parcels of land that are of interest to the Ecological Reserves Program and are currently under review by the Ecological Reserves Committee as a proposed ecological reserve. The north parcel (23-5-27W1 and NE 22-05-27W1) is currently designated as Broomhill Wild Management Area (WMA) and the south parcel, located at 11-05-27W1 is Crown land coded for wildlife.

The attributes of these parcels that make them of significant value to be deemed appropriate for protection as an ecological reserve include the fact that these parcels are made up of native mixed grass prairie and associated wildlife assemblages. Native prairies are recognized by many as the most imperilled ecosystem worldwide. Much of the native prairie has been destroyed or altered by agricultural activities hence, the unique avian assemblages associated with these grasslands are also in danger. Mixed-

grass prairie and improved grasslands in extreme southwestern Manitoba have accounted for a majority of recent endangered and threatened grassland bird records in Manitoba. Several grassland birds that are at risk nationally or provincially have distributions that roughly parallel the extent of grassland complexes in southwestern Manitoba. These include the: Ferruginous Hawk (*Buteo regalis*), Burrowing Owl (*Athene cunicularia*), Loggerhead Shrike (*Lanius ludovicianus*), Baird's Sparrow (*Ammodramus bairdii*), and Sprague's Pipit (*Anthus spragueii*). These five species share a common problem - the loss or modification of critical grassland habitat.

Due to the high value of these parcels as native mixed-grass prairie remnants and the close proximity of the parcels to each other resulting in a higher degree of connectivity between native prairie in a highly fragmented and modified area of the province, Parks and Natural Areas Branch does not support the pipeline being routed between the two parcels.

Disposition:

The proponent was asked to provide additional information on alternative routes to passing between the two potential Ecological Reserves. The additional information provided indicated that four alternate routes were evaluated to avoid the Broomhill Wildlife Management Area. The alternative routes were not accessible due to refusal of access by landowners and one in particular would impact more land than does the proposed route. The two parcels of land are also dissected by a Provincial Trunk Highway and an abandoned railway track.

Sustainable Resource & Policy Management Branch

The proposed pipeline is in southwestern Manitoba where there are rare opportunities to protect the remaining tracts of native habitat. On page 12 it is noted that “the proposed pipeline route traverses four Manitoba Habitat Heritage Corporation (MHCC) Conservation Agreements”. In the future there may be an opportunity to add these lands to the protected areas network, and therefore the Protected Areas Initiative (PAI) does not support the pipeline traversing the MHHC lands.

The proposed pipeline crosses in between two areas targeted for protection. The north parcel (23-5-27W1 and NE 22-05-27W1) is currently designated as Broomhill Wild Management Area (WMA). The south parcel is located at 11-05-27W1. The north and south parcels are proposed as ecological reserves, please contact Jessica Elliott with the Parks and Natural Areas Branch for more information on these sites. PAI does not support the pipeline crossing in between these proposed ecological reserves. PAI recommends the pipeline divert north of the “north parcel” (23-5-27W1 and NE 22-05-27W1), with a recommended buffer of 1 mile. By diverting the pipeline north, the pipeline would cross the Souris River at a narrower part of the river, which may result in less disturbance to the waterway.

Protected areas are land, freshwater or marine areas, where logging, mining, hydroelectric development, oil and gas development, and other activities that significantly and adversely affect habitat are prohibited by law.

Disposition:

Additional information on alternate routes to avoid the Manitoba Habitat Heritage Corporation Conservation Agreements (CAs) was requested from the proponent. The additional information provided indicated that the Manitoba Habitat Heritage Corporation was consulted regarding potential issues for pipeline routing through these areas and their input is reflected in the final proposed routing. In three of the CAs, the proposed pipeline route is confined to cultivated lands and routing was deflected around all wetland/upland complexes to avoid disturbance to these habitat features and the pipeline will be bored under the native pasture and prairie in the fourth CA. The proponent also noted that as the Conservation Agreement process retains private land ownership and allows for land outside of the protected habitats be used for cultivation or other uses, the proposed routing through these areas is considered to be consistent with the intent of the Conservation Agreements. Alternate routing was reviewed and rejected due to habitat issues as well as discussions with Manitoba Heritage and Habitat Conservation.

Additional information was also requested regarding alternative routes to passing between the two potential Ecological Reserves. The additional information provided indicated that four alternate routes, including the route suggested above, were evaluated to avoid the Broomhill Wildlife Management Area. The alternative routes were not accessible due to refusal of access by landowners and the above suggested route would also impact more land of similar types than the proposed route.

Wildlife and Ecosystem Protection Branch

Segments of the pipeline route traversing Manitoba Habitat Heritage Corporation Conservation Agreements must avoid natural areas, upland habitat, and wetlands protected under the Conservation Agreements.

Section 6.2.10 Species at Risk lacks consistency in the information provided for the four species that have the potential to use habitat along the proposed route or have been previously recorded within the setback distance of the proposed route as per Manitoba Conservation Data Centre records.

This section should state that ferruginous hawks have been listed as a threatened species under *The Endangered Species Act* of Manitoba and have been rated as S2B in Manitoba (rare and may be vulnerable to extirpation). This section also needs to state the residual effects of construction on this species and the magnitude of those effects, and state that avoidance or mitigation measures will be required if this species is found along the proposed route.

This section should also state that burrowing owls have been listed as an endangered species under *The Endangered Species Act* of Manitoba and have been rated S1B in

Manitoba (very rare and may be especially vulnerable to extirpation). Loggerhead shrikes have also been listed as an endangered species under *The Endangered Species Act* of Manitoba.

Disposition:

Additional information provided by the proponent at the request of Manitoba Conservation indicated that routing will avoid all wetland/upland complexes and native pasture and prairie in the Manitoba Habitat Heritage Corporation Conservation Agreements. The licence conditions require that the proposed surveys for Species at Risk are conducted prior to construction to determine the presence of such species so the mitigation measures outlined in the proposal can be applied.

Western Region

- The consultants have not completed the flora and fauna surveys which are identified in the report so there is no information regarding the presence of rare, threatened or endangered species and limited information on the exact impact on native cover.
- Some of the mitigation techniques identified in the report will not be possible as a result of the timing of the surveys and the construction start date.
- I asked the consultant to provide detailed information (number of hectares) on the area of native habitat (wetland, grassland, upland) habitat that will be affected by the construction footprint.
- Effort must be taken to avoid native habitat during the construction of the pipeline. The consultant has indicated they have avoided many of the wetland and upland habitat areas although there will still be some impact.
- In areas where native habitat is affected low impact techniques must be employed to keep the construction footprint to an absolute minimum and ensure the area is restored to as close a natural state as possible. This could include boring under wetland and other habitat areas, ensuring work is done in dry conditions to avoid disturbance, narrowing of the excavation trench and employing mitigation techniques identified in the environmental assessment to ensure native cover returns to the affected area.
- As discussed with the consultant most riparian areas including the Souris River will be bored under in order to avoid impact in these areas.
- Areas to be reseeded must be seeded with seed from Manitoba and in a seed mix similar to the area affected. Follow up maintenance and weed control is required until the area is re-vegetated to the satisfaction of Manitoba Conservation.
- Construction in native habitat areas should not take place until after July 15th to allow for nesting birds to complete nesting.
- A mitigation plan to deal with wildlife disturbance (encountering nesting birds etc) during the project will have to be developed.
- In the consultants opinion most effects on wildlife and habitat will be minimum to medium and not long term. Until spring flora and fauna surveys have been completed the potential impact is not really known.

- There will be impact both from a physical perspective as well as a temporal loss of habitat and wildlife production as a result of physical disturbance and displacement. In order to move towards the objective of “no net loss” of habitat the proponent should mitigate through provision of in-kind off-site habitat mitigation to offset this impact. This could be through development and or securing additional habitat to offset impact in consultation with Manitoba Conservation.

I expect there will be cases of unavoidable impact to habitat and disturbance to wildlife as a result of the construction of this project and I have recommended in-kind, off-site mitigation. This would be similar to the mitigation program currently in place to facilitate other developments such as highway construction within this region and is consistent with provincial habitat mitigation policy currently under development. In these cases attempts are made to avoid impact and where impact is unavoidable then the steps are to minimize and mitigate/compensate to offset impact.

Disposition:

The licence conditions require that the proposed surveys for Species at Risk are conducted prior to construction to determine the presence of such species so the mitigation measures outlined in the proposal can be applied. Information on the area of native habitat that will be affected by the construction footprint was requested and forwarded to the Western Region. Additional information received from the proponent at the request of Manitoba Conservation indicates that the pipeline routing was planned to avoid native habitat and mitigation measures in the proposal will ensure minimum impact in areas that could not be avoided. Licence conditions address mitigation measures for construction in and restoration of native habitat. Wildlife discovery and encounter contingency plans are outlined in Appendix 6B of the Proposal.

Environmental Operations

Manitoba Conservation, Environmental Operations - Western Region has reviewed the aforementioned Environmental Act Proposal and has no concerns at this time. The following comments are provided for your review and consideration.

In the case that petroleum storage facilities are needed on site at any of the temporary work locations it is required that these facilities are registered and approved by Manitoba Conservation under *MR 188/2001; Storage and Handling of Petroleum Products and Allied Products Regulation*.

Under the *Onsite Wastewater Management Regulation MR 83/2003* any waste water collection system included under said regulation will have to be registered with Manitoba Conservation and, installed and maintained in accordance with MR 83/2003.

Disposition:

This information was forwarded to the proponent for information.

Pollution Prevention Branch

- There will be minimal fugitive VOC emissions from the crude oil pipeline. Nevertheless, a leak detection and repair (LDAR) plan is suggested to be in place.
- Dust will be generated during construction when the soil is in unfrozen conditions but this should be minimal.
- Emissions will come from the operation of the compressor and/or pumps that drive the petroleum product through the pipe. At a specified threshold, GHG emission is required to be reported. Perhaps some information on air emissions needs to be provided on these pumps/compressors, unless they are electricity-driven.
- Noise generated during construction will be insignificant because there are no nearby residential dwellings along the pipeline.

Disposition:

Additional information regarding green house gas emissions from the pumps/compressors was requested from the proponent. Their response indicated that no emissions from the pumps are anticipated as they will all be electrified. Appendix 6C of the proposal outlines contingency plans for the proposed project which are part of the company's Emergency Response Program. The licence requires the development is operated in accordance with appropriate standards of the Canadian Standards Association (CSA). CSA standards include recommended practices for leak detection.

Manitoba Water Stewardship

- *The Water Rights Act* indicates that no person shall control water or construct, establish or maintain any "water control works" unless he or she holds a valid licence to do so. "Water control works" are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert borehole or contrivance for carrying or conducting water, that temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage, OR changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage. If a proposal advocates any of the aforementioned activities, an application for a Water Rights Licence to Construct Water Control Works is required. Application forms are available from any office of Manitoba Water Stewardship.
 - A contact person is Mr. Ed MacKay, C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Water Stewardship, 1129 Queens Avenue, Brandon, Manitoba R7A 1L9, telephone: (204) 726-6226, email: ed.mackay@gov.mb.ca.
- The proponent needs to be informed that if the proposal in question advocates any construction activities, erosion and sediment control measures should be implemented until all of the sites have stabilized.

- A policy should be considered of only using soaps, shampoos, detergents and other cleaning products that are phosphate-free or that have 0.5 % or less phosphorus content are used in camps or housing facilities.
- A functioning riparian area of undisturbed native vegetation helps stabilize banks, provides aquatic and wildlife habitat and protects water quality. In circumstances where native vegetation is limited or absent, re-establishment of this vegetation should occur through natural succession or assisted through planting of vegetation native to the area.
- The Department recommends an *Environment Act* Licence to include the following requirements:
 - In order to protect riparian areas, establish and maintain an undisturbed native vegetation area located upslope from the ordinary high water mark and adjacent to all waterbodies and waterways connected to the provincial surface water network:
 - A 15-metre undisturbed native vegetation area is recommended for lands located adjacent to first and/or second order drains;
 - A 30-metre undisturbed native vegetation area is recommended for lands located adjacent to third and/or higher order drains and/or waterbodies;
 - The combined alteration—including new and existing structures—within this undisturbed native vegetation area is limited to a maximum of 25 % of the shoreline length (for example: 25 metres per 100 metres of shoreline length) of each lot for a boat house, path, dock, etc.; and,
 - Alteration within this undisturbed native vegetation area—including a dock and/or the removal of near shore or stream aquatic habitat—shall not occur unless an activity conforms to a Department of Fisheries and Oceans Canada Operational Statement or an activity is reviewed by the Department of Fisheries and Oceans Canada.
 - If there are some undefined channels that carry water into a watercourse with a defined bed and banks and the crossing will be trenched, the work shall be conducted during dry conditions and temporary and permanent sediment and erosion control measures are implemented until the sites have stabilized.
 - The Licencee shall conduct directional drilling according to the Department of Fisheries and Oceans Canada Operational Statement on Directional Drilling.
 - A contact person at Manitoba Water Stewardship is Mr. Bruno Bruederlin, Regional Fisheries Biologist; telephone: (204) 726-6452
 - The Licencee will require authorization from Manitoba Water Stewardship, prior to the discharge of hydrostatic test water.
 - A contact person is Ms. Wendy Ralley, Manager, Water Quality Management Section, Manitoba Water Stewardship; telephone: (204) 945-8146.
 - The Licencee may require authorization under The Water Rights Act for construction dewatering or self-supplied water source used for borehole drilling. Also, the use of water for hydrostatic testing also requires a similar

authorization. The proponent's contractor shall contact Manitoba Water Stewardship at least 2 weeks in advance of the anticipated usage date.

- A contact person is Mr. Rob Matthews, Manager, Water Use Licensing Section, Manitoba Water Stewardship, telephone: (204) 945-6118.
- The Licencee shall develop and implement an Emergency Response Plan.
 - Vehicles and other equipment shall be fueled and serviced at least 100 metres away from any water body.
- Wastewater (sewage and grey water) from work camps and other infrastructure should be collected in holding tanks and disposed of at a licensed wastewater treatment facility.
- Manitoba Water Stewardship has a concern with the following wetland location:
 - W ½ 31-02-25 W1M Dry slough; cattails (open water wetland) C3: 6 & 7
- The proposed pipeline crossing location above may impact a class 3 wetland. This proposed work may require mitigation and/or compensation measures. Manitoba Water Stewardship plans to conduct a wetland assessment to confirm the classification of the wetland. The Department may require the implementation of mitigation and/or compensation measures upon completing a wetland assessment.

Disposition:

The comments were forwarded to the Proponent for information. The licence addresses the requirements for erosion control measures and directional drilling. Appendix 6C of the proposal outlines contingency plans for the proposed project which are part of the company's Emergency Response Program. Additional information from Manitoba Water Stewardship indicated that a mitigation and compensation plan for the footprint of the pipeline installation within the wetland in the W½ of 31-2-25W is required. This requirement is reflected in a licence condition.

Manitoba Science, Technology, Energy, and Trade – Mines Branch

No concerns.

Manitoba Infrastructure and Transportation

1. If the development will utilize Provincial Road right-of-ways, the proponent should be informed that any new, modified or relocated access connection onto any PRs may require a permit from MIT. A permit may also be required for any construction (above or below ground) within 38.1 m (125 ft) or for any plantings within 15.2 m (50 ft) from the edge of right-of-way of any PR.
2. If the development will utilize Provincial Trunk Highway (PTH) right-of-ways, under the Highway Protection Act, any new, modified or relocated access may require permit from the Highway Traffic Board (HTB). A permit may also be required from HTB for any change in land use, construction of structures and objects (i.e including erection of signage within 76.2 m from the edge of ROW). Also, a

permit may be required from MIT for any planting within 15.4 m from the edge of the PTH right-of-way.

Disposition:

The comments were forwarded to the proponent for information.

Deloraine Community Planning Services

1. The proposed pipeline crosses the Rural Municipalities of Albert, Arthur and Brenda, before entering into the R.M. of Pipestone.
2. The Southwest Planning District Development Plan By-law applies to Albert, Arthur and Brenda and the land use planning documents contain policies regarding mineral resources.
3. Policy 2.3.8 of that By-law recognizes the existence of oil fields and pipeline development within the Planning District and sets specific policies regarding the development of new oil batteries. This policy area also contains general policies requiring oil field development to offer protection of the local environment and pre-existing development.
4. There are no specific policy statements regarding oil pipelines which are recognized as an integral part of oil field development which is expected to be undertaken in a manner that is environmentally safe, stable and compatible with adjoining land uses.
5. The pipeline routing crosses through areas of the District dedicated to general agricultural activities including annual cropping and raising of livestock.
6. Summary Section 6.2.11, Human Occupancy and Resource Use, Page 18 of the Environmental Assessment concludes that, beyond expected disruption from the construction phase, “the construction of the pipeline will not affect the sustainability of ranching and farming activities in the vicinity of the pipeline route or the livelihood of the local ranches or farmers.”
7. We have not identified any land use planning issues in our review of the Waskada Pipeline Project.
8. The content and breadth of the Environmental Assessment satisfies the policy statements found in the Southwest Planning District Development Plan By-law.

Disposition:

The comments were forwarded to the proponent for information.

Brandon Community Planning Services

1. Section 2.5 of the R.M. of Pipestone Zoning By-law indicates that “pipelines are deemed to be in compliance with this By-law if they are carried out, constructed and operated in accordance with federal and provincial law”.
2. The information provided in the environmental assessment does not make any reference to the separation of the pipeline and its right-of way from adjacent

residences or other structures intended for human occupancy. As the proposed pipeline right-of-way is proposed on private lands, all affected landowners should be notified of the proposed development and the proponent is obligated to satisfy all applicable federal and/or provincial regulatory requirements governing minimum separation distances between the proposed pipeline and its right-of-way and adjacent development.

3. The proposed pipeline route will traverse both Provincial Road No. 256 and Provincial Trunk Highway No. 2 and the proponent should therefore consult with Manitoba Infrastructure and Transportation regarding any permits or approvals which may be required dealing with the location of all proposed crossings, timing of construction, traffic control and safety measures etc. In addition, the proposed pipeline route also traverses municipal roads. The R.M. of Pipestone has jurisdiction over municipal roads in the R.M. of Pipestone and the proponent should therefore consult with the municipality regarding any local permits or approvals which may be required dealing with the location of all proposed crossings, timing of construction, traffic control and safety measures etc.
4. The proposed pipeline route will traverse both Canadian National and Canadian Pacific rail lines and the proponent should therefore consult both railways regarding any permits or approvals which may be required dealing with the location of all proposed crossings, timing of construction, traffic control and safety measures etc.
5. The proposed pipeline route is likely to traverse a number of other infrastructure features in the area, including existing oil and gas pipelines as well as hydro and telephone distribution lines. Communication between the pipeline owner and the owners/operators of other infrastructure facilities is encouraged, in order to minimize disruption of service, and to provide for public safety during construction.

Disposition:

The comments were forwarded to the proponent for information.

Canadian Environmental Assessment Agency (CEAA)

Based on responses from federal departments, application of the *Canadian Environmental Assessment Act* with respect to the project will not be required.

ADDITIONAL INFORMATION

Manitoba Conservation requested additional information from the proponent in a letter dated May 5, 2010. A satisfactory response dated May 20, 2010 was received in response to this request. The request and response letters are available in the public registries for this file.

PUBLIC HEARING:

A public hearing is not recommended as there were no requests for a public hearing and comments received from the public can be addressed by the proposed mitigation measures or as conditions of licensing.

RECOMMENDATION:

The TAC and public comments received on the Proposal can be addressed as conditions of licensing for the project, or have been forwarded to the Proponent for information. 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
Environmental Assessment and Licensing Branch
Land Use Section
July 6, 2010
Updated July 27, 2010

Telephone: (204) 945-8173
Fax: (204) 945-5229
e-mail: elise.dagdick@gov.mb.ca