SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT:	**City of Winnipeg**
PROPOSAL NAME:	**Disraeli Bridges Project**
CLASS OF DEVELOPMENT:	**Two**
TYPE OF DEVELOPMENT:	**Water Development and Control**
CLIENT FILE NO.:	**5452.00**

OVERVIEW:

The Proposal was received on March 4, 2010. It was dated February 26, 2010. The advertisement of the Proposal was as follows:

"An Environment Act Proposal has been filed by Wardrop Engineering on behalf of the City of Winnipeg and the Plenary Group for the Disraeli Bridges project. The project involves the construction of a new four lane road bridge west of the existing bridge. Once the new bridge was completed, traffic would be shifted to the new bridge, and the bridge superstructure of the existing bridge would be replaced with a new superstructure for active transportation (pedestrians and cyclists) on the existing bridge piers. Road traffic would be maintained during the project construction period. Although the Disraeli Bridges project is part of a larger upgrade of the Disraeli Freeway, the environmental assessment of the bridges project is limited to the instream components of the construction of the new road bridge. No instream work is required for the conversion of the existing bridge to an active transportation bridge. Construction of the bridges project is planned for the period from the fall of 2010 to the summer of 2012.

The Environment Act Proposal includes a draft environmental assessment scoping document that provides background information on the project and outlines the content of an environmental impact statement to be completed for the project. Public comments on the draft scoping document are invited as described below; a public review of the environmental impact statement will occur when it has been completed."

The Proposal was advertised in the Winnipeg Free Press on Saturday, March 13, 2010. It was placed in the Main, Millennium Public Library (Winnipeg), and Manitoba Eco-Network public registries, and in an electronic registry on the Environmental Assessment and Licensing Branch website. It was distributed to Technical Advisory Committee (TAC) members on March 12, 2010. The closing date for comments from members of the public and TAC members was April 12, 2010.

COMMENTS FROM THE PUBLIC:

No public comments were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation – Sustainable Resource and Policy Management Management Branch No concerns.

Manitoba Conservation - Parks and Natural Areas Branch No comments.

Manitoba Conservation – Wildlife and Ecosystem Protection Branch No concerns.

Manitoba Conservation – Environmental Services Branch No comments.

Manitoba Conservation – Environmental Operations Branch

In Section 1.5, page 5, the statement is made that the comprehensive management plan prepared by Manitoba Hydro has been accepted by Manitoba Conservation. This plan is still currently under review by the Technical Advisory Committee established by Manitoba Conservation. It is expected that final comments on the TAC review will be compiled and provided to Hydro in the coming months and that a final decision on the proposed management plan will be made by the fall of 2010. The management plan has not been officially accepted by the department at this time.

Disposition:

This information was provided to the proponent's consultant.

Manitoba Water Stewardship – Planning and Coordination Branch

- *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. Geoff Reimer C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Water Stewardship, Box 4558, Stonewall, Manitoba

R0C 2Z0, telephone: (204) 467-4450, email: geoff.reimer@gov.mb.ca.

- Manitoba Water Stewardship recommends to include the following in an *Environment Act* Proposal for the proposed development:

    - If the proponent is installing piers, the proponent should address the issue of possible upward groundwater leakage around the piers or groundwater dewatering that may be conducted. It appears that piers would be installed through a zone of contamination, the proponent should address whether there is any opportunity for these contaminants to be introduced into the underlying aquifer since some are Dense Non-Aqueous Phase Liquids (DNAPL).

    - An assessment and mitigation measures for clams within the proposed project area must be addressed.

    - An assessment and mitigation measures for the removal of the contaminated sediments within the proposed project area must be addressed.

Disposition:

Information concerning the need for a Water Rights Licence was provided to the proponent's consultant. Inclusion of the other items was requested in the environmental assessment report.

Historic Resources Branch No concerns. If at any time however, significant heritage resources are recorded in association with these lands during development, the Historic Resources Branch may require that an acceptable heritage resource management strategy be implemented by the developer to mitigate the affects of development on the heritage resources.

Disposition:

This comment was provided to the proponent's consultant for information.

Mines Branch No concerns.

Manitoba Local Government – Provincial Planning Services Branch

Referring to Table 1 (Section 7.2.1 of the Scoping Document), under the issue of "Land Use and Consistency with the Development Plan" please ensure that the focus is not restricted to ownership issues but also address anticipated compatibility/incompatibility issues. The realignment of the infrastructure and its impact on existing land uses should be considered and include methods of proposed mitigation measures that may address issues

such as noise, vibration and public safety (and other issues that may arise).

The analysis of personal safety should include the completion of a safety audit or crime prevention through environmental design (CPTED) analysis that explores proposed pedestrian and bicycle routes. Areas under the overpasses and bridges that could create areas for undesirable activity to occur should be identified and properly mitigated in the design stages, for example. This would be consistent with Section Four (Public Safety) of Plan Winnipeg 2020 Vision.

The reference to having a separate pedestrian/bicycle bridge has some positive affects from splitting fast traffic from people walking and riding their bikes, etc. However, this may create the opportunity for other crimes to occur more frequently on the proposed dedicated active transportation bridge. Having a dedicated bridge creates a "movement predictor" that has little opportunity for a person to flee to safety if an incident was to occur. Quick access for police or medical response to attend an incident can also be problematic.

The model that combines designs that support both active transportation/vehicular movement such as those used on the Main Street Bridge separates vehicular traffic and active transportation in a way that functions well. The transportation corridors are adjacent to one another improving overall safety. The new pedestrian bridge connecting St. Boniface to The Forks has a dedicated the benefit of an "activity generator" with the commercial activity (the Salisbury Restaurant) on the bridge and benefits from patrol by the Forks security/Downtown Watch.

There is reference to normal and winter water flows, riverbank stability, etc. but there is little reference to the impact of flooding of the Red River, please elaborate. Any development within the vicinity of the River must consult and apply for relevant permits with City Waterway Staff.

Are there any transit considerations that will be incorporated into the design? Are there any traffic flow issues that can be avoided or addressed in the adjacent neighbourhood through the redesign of the project? Consultation with the Point Douglas Neighbourhood Association may provide some incite for traffic flow and public safety concerns.

Disposition:

These comments were forwarded to the proponent’s consultant. Several of the comments apply to the Disraeli Bridges project directly, and some apply to the larger upgrade of the Disraeli Freeway.

Canadian Environmental Assessment Agency The project information provided has been distributed to all federal departments with a potential interest. I am enclosing copies of the relevant responses for your file.

Based on the responses to the federal survey, the *Canadian Environmental Assessment Act* (the Act) will apply to this project. I can report that Transport Canada must complete a federal environmental assessment pursuant to the Act since the project requires an approval under the *Navigable Waters Protection Act*. Fisheries and Oceans Canada (DFO) may also be required to conduct an environmental assessment should it be determined that an authorization under subsection 35(2) of the Fisheries Act is required. As noted in the attached letter from DFO, additional information is required in order for DFO to make that determination. A subsequent e-mail from DFO provides further information on DFO's needs. A copy of this e-mail is attached.

Please note that Health Canada (HC) has indicated that they possess specialist advice that may assist in the environmental assessment of the proposed project, if requested. Please refer to the attached letter which lists areas of HC expertise.

As the project requires a review under both provincial and federal environmental legislation, a joint process under the Canada-Manitoba Agreement on Environmental Assessment Cooperation will be required. Please forward any federal review comments to the proponent for response as part of the TAC review process.

Disposition:

Federal comments were provided to the proponent's consultant as requested.

FINAL SCOPING DOCUMENT:

All comments received on the draft scoping document for the project were forwarded to the proponent's consultant on April 19, 2010, along with direction as to the use of the comments. Copies of the finalized scoping document were requested for insertion in the public registries for the project. The final scoping document was received on May 21, 2010. Copies were placed in the public registries for the project.

ENVIRONMENTAL IMPACT STATEMENT:

The Environmental Impact Statement (EIS) for the project was submitted in August, 2010. It was distributed to TAC members and placed in the public registries on August 19, 2010 and advertised in the Winnipeg Free Press on Saturday, August 21, 2010. Comments from members of the public and TAC members were requested by September 21, 2010.

COMMENTS ON THE EIS FROM THE PUBLIC:

No public comments were received.

COMMENTS ON THE EIS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation – Sustainable Resource and Policy Management Management Branch No concerns.

Manitoba Conservation – Aboriginal Relations Branch No concerns.

Manitoba Conservation – Parks and Natural Areas Branch No comments.

Manitoba Conservation – Air Quality Management

- Particulate matter (dust) and combustion emissions appear to be short-term and minimal.
- There is a potential for VOC emissions from contaminated soil. However, the contaminated soil is proposed to be disposed thru MidCanada Environmental Services, a soil treatment facility licensed under the Environment Act.
- Lead-in-paint dust may be a concern during the rehabilitation of the old bridge if a dry-type paint stripping (ex. sand blasting) on its surface will be undertaken.

Manitoba Conservation – Wildlife and Ecosystem Protection Branch No concerns.

Manitoba Conservation – Environmental Operations Branch No concerns. Environmental Operations staff will continue to support Environmental Assessment and Licensing Branch as this project unfolds.

Manitoba Water Stewardship – Planning and Coordination Branch

- Manitoba Water Stewardship recommends an *Environment* Act Licence to include the following requirements:
    - The Licencee is required to apply for a Live Fish Handling Permit prior to conducting construction activities that have the potential to isolate fish.
        - A contact person is Ms. Laureen Janusz, Manitoba Water Stewardship; telephone: (204) 945-7789.
    - For Proposal Section 7.1.4.1:

- Regarding abutements:
    - The Licencee shall assess the potential impact on the groundwater within the overburden soils as well as the potential for further migration and impact on the underlying Upper Carbonate Aquifer. If there are any potential impacts, the Licencee shall develop and implement practices to prevent or mitigate adverse impacts (an explanation is found in the concerns area below).
- Regarding land piers:
    - The Licencee shall consider the potential impact on the groundwater within the overburden soils and underlying Upper Carbonate Aquifer. If there are any potential impacts, the Licencee shall develop and implement practices to prevent or mitigate adverse impacts (an explanation is found in the concerns area below).

- For Proposal Section 7.8.2:
    - The Licencee shall develop and implement a groundwater monitoring plan to prevent or mitigate the potential for contaminated groundwater to migrate down through the overburden soils and into the Upper Carbonate Aquifer (Note: Based on concerns for section 7.1.4.1, found below).

- Manitoba Water Stewardship submits the following concerns:
    - In Proposal Section 7.1.4.1, Abutements, the following is stated:
        - "There is potential for downward migration of contaminated groundwater adjacent to the driven piles. Lateral ground pressures will prevent the contaminants from being pushed downward with the piles while the immediate reconsolidation of the soil following the pile driving will prevent the creation of a pathway for contaminant migration".
        - The proponent is requested to provide scientific or technical information that supports the previous statement?
        - Manitoba Water Stewardship's concern is that if the lateral ground pressures and/or immediate reconsolidation of the soil are not effective in preventing the downward migration of potential

contaminated groundwater then contamination of the overburden soils may occur.

- In Proposal Section 7.1.4.1, Land Piers, the following is stated, regarding the steel H-piles driven to refusal in the underlying bedrock as part of the construction of the land piers:

    - "There is potential for downward migration of contaminated groundwater adjacent to the driven piles. Immediate reconsolidation of the soil following the pile driving is expected to mitigate this potential effect."

    - Manitoba Water Stewardship's concern is that if the immediate reconsolidation of the soil does not mitigate the downward migration of contaminated groundwater adjacent to the driven H-piles then there is the potential for migration of contaminated groundwater within the overburden soils and underlying Upper Carbonate Aquifer.

- Manitoba Water Stewardship submits the following comments:

    - Manitoba Water Stewardship does not object to this proposal, at this time.

    - The Manitoba Department of Water Stewardship is mandated to ensure the sustainable development of Manitoba's water resources. Manitoba Water Stewardship is committed to the goals of: protecting aquatic ecosystem health; ensuring drinking water is safe and clean for human health; managing water-related risks for human security; and stewarding the societal and economic values of our waterways, lakes and wetlands; for the best water for all life and lasting prosperity. Manitoba Water Stewardship achieves these goals, in part, through administering legislation, including The Water Protection Act, The Water Rights Act, and The Water Power Act.

    - The proponent needs to be informed that erosion and sediment control measures should be implemented until all of the sites have stabilized.

Disposition:

Several of these comments can be addressed as licence conditions.

Manitoba Innovation, Energy and Mines – Mines Branch No concerns.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch No concerns.

Canadian Environmental Assessment Agency Federal comments are limited to a letter received from Health Canada, dated September 17, 2010 [copy attached to letter; in public registry locations.] In that letter, Mr. Grabowecky makes the following statement: "Please consider HC's comments as provided in a letter e-mailed to your office on September 13, 2010 for the review of the EIS submitted for the federal EA process to be valid for the review of the provincial document." [A copy of this letter is also attached, in public registry locations.]

You will note that the comments provide in Health Canada's September 13, 2010 letter address the issues of sediment quality and noise impacts. The proponent has responded to the comments on sediment quality in a letter dated September 17, 2010 [copy attached, in public registry locations]. The proponent has indicated that comments on noise impacts are forthcoming. A copy of those comments will be forwarded to you following their receipt.

ADDITIONAL INFORMATION:

No additional information was required to address comments on the Proposal or the EIS.

PUBLIC HEARING:

No requests were received for a public hearing. Accordingly, a public hearing is not recommended.

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. It is further recommended that enforcement of the Licence be assigned to the Central Region.

PREPARED BY:

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October 4, 2010
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