



Infrastructure and Transportation

Highway Planning and Design Branch
Environmental Services Section
1420 - 215 Garry St., Winnipeg, MB R3C 3P3
T (204) 619-4359 F (204) 945-0593

January 29, 2016

Tracey Braun, M. Sc.
Director, Environmental Approvals Branch
Manitoba Conservation and Water Stewardship
123 Main St., Suite 160
Winnipeg, MB R3C 1A5

RE: Tundra Energy Marketing Ltd. - Two Creeks Pipeline Project
Client File No. 5809.00

Dear Ms. Braun:

MIT has reviewed the proposal under the *Environment Act* noted above and noted above and we have the following comments:

- The proposed project may require a permit, if access is from PTH 83. Under the Highways Protection Act, a permit will be required from Highway Traffic Board for PTH's. A permit may also be required for:
 - Any modifications, relocations or a change in use to an existing access;
 - Any construction (above or below ground level) within 38.1 m (125 ft);
 - Any plantings within 15.2 m (50 ft) from the edge of the right of way of PTH 83; or
 - Discharge of water or other liquid materials into the ditch on PTH 83.
- Where the proposed oil pipelines will cross under PTH 83 at NW 7-12-26WPM to NE 12-12-27WPM, an underground utility agreement has already been secured with the Region.

For more information, please contact Ashley Beck at (204) 726-7000 or Ashley.Beck@gov.mb.ca.

Thank you very much for providing us the opportunity to review the proposal.

Sincerely,

Ryan Coulter, M. Sc., P. Eng.
Manager of Environmental Services

DATE: 16 February, 2016

TO: Darrell Ouimet
Environmental Approvals
Conservation and Water Stewardship
160-123 Main Street, Winnipeg

FROM: Muntaseer Ibn Azkar
Climate Change and Air Quality
Conservation and Water Stewardship
160-123 Main Street, Winnipeg

SUBJECT: Tundra Energy Marketing Limited – Two Creeks Pipeline Project (File 5809.00)

Air Quality Section has reviewed the above proposal and provides the following comments:

- The project is not expected to have a significant impact on air quality and noise level provided that the control measures cited are implemented.
- The noise clause is suggested to be included in the License.

Ouimet, Darrell (CWS)

From: Sigurdson,Shauna [CEAA] [Shauna.Sigurdson@ceaa-acee.gc.ca]
Sent: January-15-16 6:50 PM
To: Ouimet, Darrell (CWS)
Subject: RE: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

Hi Darrell

The proposed 20 km pipeline does pass through a wildlife area or migratory bird sanctuary and is less than 75 km in length, therefore it is not a designated activity under CEAA 2012. Therefore the Agency will not be participating further in this review.

Shauna Sigurdson

Regional Director, Prairie and Northern Region
Canadian Environmental Assessment Agency / Government of Canada
shauna.sigurdson@ceaa-acee.gc.ca / Tel: 780-495-2236 / Cel :780-288-2752

Directrice Régional, Région des Prairies et du Nord
Agence canadienne d'évaluation environnementale / Gouvernement du Canada
shauna.sigurdson@ceaa-acee.gc.ca / Tel: 780-495-2236/Cel :780-288-2752

From: Steele, Tania (CWS) [<mailto:Tania.Steele@gov.mb.ca>]
Sent: January 15, 2016 1:29 PM
To: Wilson, Brian (MAFRD); +WPG1212 - Conservation_Circulars (CWS); Labossiere, Don (CWS); Molod, Rommel (CWS); Keenan, Phil (CWS); Missyabit, Ron (CWS); Page, Elaine (CWS); Phipps, Graham (CWS); Stibbard, James (CWS); Matthews, Rob (CWS); Reimer, Geoff P (CWS); +WPG574 - HRB Archaeology (TCHSCP); Cunningham, Neil (CWS); Crone, Jim (MMG); Roberecki, Susan (HHLS); Roberts, Tracy (HHLS); +WPG969 - MIT Environmental Services Section (MIT); Kiss, Brian (CWS); Beaumont-Smith, Chris (MMR); Lowdon, Keith (MMR); Sigurdson,Shauna [CEAA]; Smiley, Donna (CWS); Prawdzik, Tim (CWS); Meuckon, Cameron (CWS); +WPG1212 - Parks Circulars (CWS); +BRA993 - Brandon CRP (MMG); Stonehouse, Perry (CWS); Kopytko, Myles (CWS)
Cc: Ouimet, Darrell (CWS)
Subject: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

Your review and comments would be appreciated for the attached Proposal submitted pursuant to *The Environment Act*:

<http://www.gov.mb.ca/conservation/eal/registries/5809twocreeks/index.html>

The contact person assigned to co-ordinate review and assessment of the Proposal is:

Darrell Ouimet @ 204-803-1389. Email replies are programmed to automatically deliver to darrell.ouimet@gov.mb.ca

Please indicate to the contact person if you are unable to review the proposal. A non-reply will be considered as indicating your department has reviewed the proposal and has no concerns.

Any comments you have on the Proposal should be emailed by **February 16, 2016.**

Ouimet, Darrell (CWS)

From: Stibbard, James (CWS)
Sent: February-09-16 10:41 AM
To: Ouimet, Darrell (CWS)
Subject: RE: 5809.00 Tundra Energy, Two Creeks Pipeline EAP

Mr. Ouimet,

I reviewed the above noted EAP. The proponent states in general that there will be no significant impact to surface water and briefly states there will be no significant impact to groundwater. As noted in previous reviews of hydrocarbon pipeline EAP, Office of Drinking Water would like to see more detailed review of potential impacts upon aquifers which are used as sources of drinking water for communities in the vicinity of the proposed pipeline. This is an issue which generally receives limited attention in EAPs.

Apart from this point, OFW has no other concerns respective to drinking water safety or quality with the EAP or Proposed development.

If you have any questions, please call.

Regards,

James Stibbard P. Eng.

Approvals Engineer

Office of Drinking Water

1007 Century Street

Winnipeg MB R3H 0W4

phone: (204) 945-5949

fax: (204) 945-1365

email: James.Stibbard@gov.mb.ca

website: www.manitoba.ca/drinkingwater

Ouimet, Darrell (CWS)

From: Fagan, Paul (CWS)
Sent: February-02-16 10:48 AM
To: Ouimet, Darrell (CWS)
Subject: RE: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

Manitoba Conservation and Water Stewardship – Environmental Compliance and Enforcement has reviewed the aforementioned EAP and has the following comments.

During Construction any wastewater (sewage) generated at work locations is required to be managed according to the Onsite Wastewater Management Systems Regulation MR 83/2003 (OWMS). This includes but is not limited to the registration of any OWMS systems pursuant to MR 83/2003.

During construction any petroleum storage systems on site are required to be permitted and follow legislation under the Petroleum Storage Tank Regulation (MR 188/2001).

If you have any questions or concerns please feel free to contact me

Paul Fagan B.Sc.

Environment Officer - Western
Manitoba Conservation and Water Stewardship - Environmental
Compliance and Enforcement
1129 Queens Ave.
Brandon, MB. R7A 1L9
(204) 726-6167
<mailto:Paul.Fagan@gov.mb.ca>

From: Crocker, Peter (CWS)
Sent: January-21-16 1:31 PM
To: Fagan, Paul (CWS)
Subject: FW: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

Peter Crocker B.Sc.

Regional Supervisor - Western
Manitoba Conservation and Water Stewardship - Environmental Compliance and Enforcement
1129 Queens Avenue
Brandon, MB R7A 1L9
Phone 204-726-6565 Fax 204-726-6567
Email: Peter.Crocker@gov.mb.ca

From: Prawdzik, Tim (CWS)
Sent: January-15-16 3:17 PM
To: Crocker, Peter (CWS)
Subject: FW: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

Ouimet, Darrell (CWS)

From: +WPG1212 - Conservation_Circulars (CWS)
Sent: February-16-16 9:21 AM
To: Ouimet, Darrell (CWS)
Subject: FW: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

Hello Darrell,

Good morning

Lands Branch MCWS has no comment as no Crown land is involved or will be impacted by the proposal.

Thank you for the opportunity to review

Winifred Frias

Crown Land Programs Administrator
Lands Branch
Manitoba Conservation and Water Stewardship
200 Saulteaux Crescent, Box 25
Winnipeg, Manitoba R3J 3W3 CANADA
Phone: (204) 945-4524
Facsimile: (204) 948-2197

Ouimet, Darrell (CWS)

From: Harms, Jenny (CWS)
Sent: February-04-16 3:46 PM
To: Ouimet, Darrell (CWS)
Cc: Kelly, Jason (CWS)
Subject: FW: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00 - due February 16.

Parks and Protected Spaces Branch has reviewed EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00 and offers the following comments:

Some of the private lands crossed by the proposed right-of-way have been identified as having intact or modified native habitat including grasslands and wetlands. While the proposal confirms that none of these lands are owned by Manitoba Habitat Heritage Corporation (MHHC), some of the private landowners may have entered into a Conservation Agreement with MHHC or another conservation agency (ie Nature Conservancy of Canada or Ducks Unlimited Canada) for these lands.

Pipeline construction and operation activities may adversely affect lands put under conservation agreement for conservation purposes, including protection from habitat alteration. It is recommended that the proponent confirm existence of conservation agreements and that, where they exist, the appropriate conservation agency staff be contacted for information on siting, special access, and other restrictions that may be required to comply with the purpose of the Conservation Agreement.

The Government of Manitoba has signed Memorandums of Agreement with three conservation agencies to ensure that their private lands meet Manitoba's standard of protection. Work on completing similar Agreements with other conservation agencies, including MHHC is ongoing. These lands are of great benefit to the network of protected areas as these agencies have significant land holdings in south-western Manitoba which support increasingly threatened grassland, wetland, and river bottom forest communities.

Protected areas are legally protected from logging, mining, hydro electric development, oil and gas development, peat exploration and harvesting, and any other activities that may significantly or adversely affect habitat.

Jenny Harms
Protected Areas Specialist
Cel: 204.945.4363

From: Steele, Tania (CWS)
Sent: January-15-16 2:29 PM
To: Wilson, Brian (MAFRD); +WPG1212 - Conservation_Circulars (CWS); Labossiere, Don (CWS); Molod, Rommel (CWS); Keenan, Phil (CWS); Missyabit, Ron (CWS); Page, Elaine (CWS); Phipps, Graham (CWS); Stibbard, James (CWS); Matthews, Rob (CWS); Reimer, Geoff P (CWS); +WPG574 - HRB Archaeology (TCHSCP); Cunningham, Neil (CWS); Crone, Jim (MMG); Roberecki, Susan (HHLS); Roberts, Tracy (HHLS); +WPG969 - MIT Environmental Services Section (MIT); Kiss, Brian (CWS); Beaumont-Smith, Chris (MMR); Lowdon, Keith (MMR); 'Sigurdson,Shauna [CEAA]'; Smiley, Donna (CWS); Prawdzik, Tim (CWS); Meuckon, Cameron (CWS); +WPG1212 - Parks Circulars (CWS); +BRA993 - Brandon CRP (MMG); Stonehouse, Perry (CWS); Kopytko, Myles (CWS)
Cc: Ouimet, Darrell (CWS)
Subject: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

Ouimet, Darrell (CWS)

From: Frykoda, Amy (HHLS)
Sent: January-22-16 4:20 PM
To: Ouimet, Darrell (CWS)
Subject: FW: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

Hello

No further comments from myself,

Dr. Amy Frykoda, MD, CCFP, MSc

Medical Officer of Health

Manitoba Health

P.O. Box 960

Minnedosa, Manitoba R0J 1E0

ph: (204) 867-8730

fax: (204) 867-2239

email: amy.frykoda@gov.mb.ca

Please consider the environment before printing this email

From: Roberts, Tracy (HHLS)
Sent: January-18-16 9:07 AM
To: Frykoda, Amy (HHLS)
Subject: FW: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

Tracy Roberts
Executive Assistant
Public Health Branch
Manitoba Health
4th floor - 300 Carlton St
Winnipeg MB R3B 3M9
PH: 204-788-6702
FAX: 204-948-2190
EMAIL: tracy.roberts@gov.mb.ca

Ouimet, Darrell (CWS)

From: Roberts, Dan (CWS)
Sent: January-18-16 11:26 AM
To: Ouimet, Darrell (CWS)
Subject: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00
Attachments: Application for Licence to Construct Water Control Works.pdf

The *Water Control Works and Drainage Licensing Section* recommends the following:

- 1) All works are constructed in accordance with *Fisheries and Oceans Canada - Operational Statements*.
- 2) The construction schedule avoids critical fisheries time periods of April 15th to June 15th.
- 3) The timing of construction is aimed at eliminating, reducing, or preventing erosion.
- 4) Construction activities are suspended during wet conditions, and performed only during low or no-flow periods.

It is also suggested that where practical significant wetlands, waterways, and water bodies be avoided.

Please remind the proponent that any water control works (drains, culverts, dykes, dams, etc.) that may be associated with this project will require licensing under the *Water Rights Act* – an application is attached for the proponent's convenience. Any inquiries in this regard may be directed to the local *Water Resource Officer*. Their contact information may be found at:

http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/officer_areas_of_focus_30mar2015.pdf

Sincerely,

Dan Roberts

Water Resource Officer
Water Control Works and Drainage Licensing Section
Conservation and Water Stewardship
Box 6000, Building #1180, 75 - 7th Avenue,
Gimli, MB R0C 1B0
Cell: (204) 641-1331

Ouimet, Darrell (CWS)

From: Matthews, Rob (CWS)
Sent: January-16-16 1:37 PM
To: Ouimet, Darrell (CWS)
Subject: RE: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

No concerns.

Rob Matthews, Manager, WULS, CWS.

From: Steele, Tania (CWS)
Sent: January-15-16 2:29 PM
To: Wilson, Brian (MAFRD); +WPG1212 - Conservation_Circulars (CWS); Labossiere, Don (CWS); Molod, Rommel (CWS); Keenan, Phil (CWS); Missyabit, Ron (CWS); Page, Elaine (CWS); Phipps, Graham (CWS); Stibbard, James (CWS); Matthews, Rob (CWS); Reimer, Geoff P (CWS); +WPG574 - HRB Archaeology (TCHSCP); Cunningham, Neil (CWS); Crone, Jim (MMG); Roberecki, Susan (HHLS); Roberts, Tracy (HHLS); +WPG969 - MIT Environmental Services Section (MIT); Kiss, Brian (CWS); Beaumont-Smith, Chris (MMR); Lowdon, Keith (MMR); 'Sigurdson,Shauna [CEAA]'; Smiley, Donna (CWS); Prawdzik, Tim (CWS); Meuckon, Cameron (CWS); +WPG1212 - Parks Circulars (CWS); +BRA993 - Brandon CRP (MMG); Stonehouse, Perry (CWS); Kopytko, Myles (CWS)
Cc: Ouimet, Darrell (CWS)
Subject: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

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The contact person assigned to co-ordinate review and assessment of the Proposal is:

Darrell Ouimet @ 204-803-1389. Email replies are programmed to automatically deliver to darrell.ouimet@gov.mb.ca

Please indicate to the contact person if you are unable to review the proposal. A non-reply will be considered as indicating your department has reviewed the proposal and has no concerns.

Any comments you have on the Proposal should be emailed by **February 16, 2016.**

****No hard copies will be provided****

Thank you.

Sent on behalf of:

Darrell Ouimet
Environment Officer
Environmental Approvals Branch
Manitoba Conservation and Water Stewardship
Tel. 204-803-1389
Fax. 204-945-5229

Ouimet, Darrell (CWS)

From: Kiss, Brian (CWS)
Sent: February-17-16 2:50 PM
To: Ouimet, Darrell (CWS)
Cc: Meuckon, Cameron (CWS); Friesen, Chris (CWS); Krause-Danielsen, Allison (CWS)
Subject: RE: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

The Wildlife and Fisheries Branch would like to provide the following comments and concerns regarding EAP #5809.00:

2.2

“It is anticipated that construction will begin in December, 2015, if all approvals and clearances are in place. Construction is anticipated to be completed, with the exception of final clean-up and reclamation, by March 15, 2016.”

The Wildlife and Fisheries Branch would like clarification on whether or not construction is currently occurring, pre-licence? If construction is delayed, will it be postponed until winter 2016/17 or into spring 2016. If construction will be occurring past March 15th into spring 2016, then we will likely have additional concerns regarding disturbance to wetlands, native grasslands, and the sharp-tailed grouse lek observed in SW-13-012-27W1.

5.5.4

“the one Class IV wetland that will be directly crossed will be bored to minimize impact”

&

5.6.2.3

“In some instances a boring method will be used to cross under the wetland to prevent impacts to the wetland community and surface hydrology.”

The Wildlife and Fisheries Branch appreciates this mitigation tactic for the wetland identified (ID# 87), however **Table 1** currently states that the mitigation required for this wetland be **“construction under dry or frozen conditions or bore”**. Given that **Figure 15** shows that the preferred ROW directly intersects a wetland of this size and classification, we’d suggest that a condition be added to the licence that specifically requires directional boring under wetland #87.

Furthermore, we suggest that directional boring also be mandatory under all of the seasonal waterways that will be impacted (#’s 13, 15, 16, & 21) and Scallion Creek (#67).

6.4.2.3

“suitable compensation ratio for lasting impacts to wetlands, if any, will be determined in consultation with the MHHC, Manitoba Conservation and others, as required.”

&

8.5.4

“Under the direction of a qualified specialist, TEML will conduct a post-construction reclamation assessment program to assess the reclaimed disturbances in wetlands and waterways along the pipeline RoW. The qualified specialist will determine if additional reclamation treatments are required beyond the first year after reclamation.”

The results of this monitoring should be reported to Manitoba Conservation and Water Stewardship to determine if compensation is required, as per the above statement. Please note that MCWS is currently developing a no-net-loss of wetlands policy where landowners and industry may be required to provide

compensation for loss of wetland area and/or function. Depending on the issue date of this license, compensation may need to be added as a specific condition in the license.

-Brian Kiss

From: Steele, Tania (CWS)

Sent: January-15-16 2:29 PM

To: Wilson, Brian (MAFRD); +WPG1212 - Conservation_Circulars (CWS); Labossiere, Don (CWS); Molod, Rommel (CWS); Keenan, Phil (CWS); Missyabit, Ron (CWS); Page, Elaine (CWS); Phipps, Graham (CWS); Stibbard, James (CWS); Matthews, Rob (CWS); Reimer, Geoff P (CWS); +WPG574 - HRB Archaeology (TCHSCP); Cunningham, Neil (CWS); Crone, Jim (MMG); Roberecki, Susan (HMLS); Roberts, Tracy (HMLS); +WPG969 - MIT Environmental Services Section (MIT); Kiss, Brian (CWS); Beaumont-Smith, Chris (MMR); Lowdon, Keith (MMR); 'Sigurdson,Shauna [CEAA]'; Smiley, Donna (CWS); Prawdzik, Tim (CWS); Meuckon, Cameron (CWS); +WPG1212 - Parks Circulars (CWS); +BRA993 - Brandon CRP (MMG); Stonehouse, Perry (CWS); Kopytko, Myles (CWS)

Cc: Ouimet, Darrell (CWS)

Subject: EAP request for review/comments - Tundra Mktg. Two Creeks Pipeline - File: 5809.00

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<http://www.gov.mb.ca/conservation/eal/registries/5809twocreeks/index.html>

The contact person assigned to co-ordinate review and assessment of the Proposal is:

Darrell Ouimet @ 204-803-1389. Email replies are programmed to automatically deliver to darrell.ouimet@gov.mb.ca

Please indicate to the contact person if you are unable to review the proposal. A non-reply will be considered as indicating your department has reviewed the proposal and has no concerns.

Any comments you have on the Proposal should be emailed by **February 16, 2016.**

****No hard copies will be provided****

Thank you.

Sent on behalf of:

Darrell Ouimet

Environment Officer

Environmental Approvals Branch

Manitoba Conservation and Water Stewardship

Tel. 204-803-1389

Fax. 204-945-5229

Darrell.Ouimet@gov.mb.ca

MAIL.

Box 80, 160-123 Main Street

Winnipeg, MB R3C 1A5

COURIER.

Room 2-B (NW Staircase), 2nd Floor, 123 Main Street