

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Manitoba Hydro

PROPOSAL NAME: Pointe du Bois Spillway Replacement Project

CLASS OF DEVELOPMENT: Two

TYPE OF DEVELOPMENT: Energy Production – Major operational changes or modifications to existing electrical generating facilities

CLIENT FILE NO.: 5471.00

OVERVIEW:

The Proposal was received on June 18, 2010. It was dated June 18, 2010. The advertisement of the Proposal was as follows:

“Manitoba Hydro has filed a Proposal and Draft Scoping Document for the Pointe du Bois Spillway Project. This project alters the former Pointe du Bois Modernization Project, which has been withdrawn. The present project involves the construction of new spillways and new concrete and earth dams at the Pointe du Bois Generating Station. The existing powerhouse will not be rebuilt, and will continue to operate with ongoing activities to maintain safety and reliability. Historical water level ranges will continue to be maintained on the forebay during and following the construction of the new spillway and dam components. The new spillway and dam facilities will be constructed immediately downstream of the existing facilities, and the existing facilities will be decommissioned upon the completion of the new facilities. The Draft Scoping Document outlines information that the Environmental Impact Assessment Report (EIS) will contain following the environmental assessment of the project.

A separate notice will be published following receipt of an Environmental Impact Statement (EIS) in support of the project, targeted for the spring of 2011. The EIS will also be made available for public review and comment following the filing date.”

The Proposal was advertised in the following newspapers:

- Lac du Bonnet Leader, Friday, June 25, 2010
- Winnipeg Free Press, Saturday, June 26, 2010
- Beausejour Clipper, Monday, June 28, 2010
- Winnipeg River Echo, Tuesday, June 29, 2010
- Pinawa Paper, Tuesday, June 29, 2010

and placed in the following public registries:

- Main
- Millennium
- Eco-Network
- Brokenhead River Regional Library, Beausejour
- R. M. of Lac du Bonnet
- L.G.D. of Pinawa

It was distributed to TAC members on June 23, 2010. The closing date for comments from members of the public and TAC members was July 30, 2010.

COMMENTS FROM THE PUBLIC:

No public comments were received on the proposal and draft scoping document.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation – Sustainable Resource and Policy Management Branch

A protected portion of Whiteshell Provincial Park is located approximately 22 km downstream of the proposal project location. It is recommends that:

1. the study areas mentioned in the Draft Scoping Document (which are not specifically defined in the provided documents) be expanded to include waters along this protected land if they do not already do so.
2. that studies, monitoring activities and other activities undertaken as part of the physical and biological studies listed in sections 7.2, 7.3, 7.4 of the draft scoping document be carried out in the waterways bordering these protected lands to ensure activities associated with the project do not adversely affect the neighbouring habitat.
3. that any adverse effects be reported to Manitoba Conservation and be mitigated as required by Manitoba Conservation.

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. Activities adjacent to designated protected areas should not adversely affect habitat of the protected area.

Manitoba Conservation – Pollution Prevention Branch, Air Quality Management Section

No comments.

Manitoba Water Stewardship – Planning and Coordination Branch

- Manitoba Water Stewardship recommends that an environmental impact statement should include the following:
 - The “Fish Community” section and the effects assessment discussion shall contain information on small bodied and juvenile fishes. These species and life stages may be more directly impacted by spillway operation with a cascading effect on “resource valued” fish species and the aquatic ecosystem as a whole.

- Manitoba Water Stewardship submits the following comments:
 - 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*.

Manitoba Culture, Heritage and Tourism, Historic Resources Branch

I have reviewed the above-noted Scoping Document pursuant to the Environment Act. The Historic Resources Branch has concerns with regard to this project’s potential to impact heritage resources. Section 7.5.8 outlines the proposed contents of the EIS regarding Heritage Resources and the intended detail to avoid and/or minimize adverse effects on Heritage Resources.

There are is potential to impact heritage resources during development as archaeological sites have been recorded within the vicinity of the project. Under Section 12(2) of The Heritage Resources Act, if the Minister of Culture, Heritage and Tourism has reason to believe that heritage resources 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 and mitigation, if necessary, prior to the project’s start.

If at any time 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.

Manitoba Innovation, Energy and Mines

I provide the following comments for consideration:

- The proposal to replace the spillway is understandable given the age of the structure. The document suggests the existing structure may not meet modern dam safety guidelines. Can Hydro confirm the existing spillway and all earthen structures and concrete dams are currently sound and do not pose any risk to public safety? Are these structures in compliance with dam safety guidelines and if not, what sort of mitigating practices are in place to ensure public safety?
- The original proposal by Hydro included a new powerhouse and relocated spillways. What circumstances changed resulting in the decision to scale down the project and focus on replacing the existing spillways?
- What is the condition of the powerhouse and will it be reconstructed in the future? Will the project proposal change in any way the station's generating capacity and overall capacity factor?
- Are there any contemplated changes to the hydraulic regime that may have consequential impacts upstream and downstream of the station both during and after construction?

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

Canadian Environmental Assessment Agency

I have completed a survey of federal departments with respect to determining interest in the project noted above. I can confirm that the project information provided has been reviewed by all federal departments with a potential interest. Departments were also asked to provide comments on Manitoba Hydro's Draft Environmental Assessment Scoping Document.

Based on the responses to the federal survey, it is likely that the *Canadian Environmental Assessment Act* (the Act) applies to the project. Fisheries and Oceans Canada (DFO) anticipates that an authorization will likely be required under subsection 35(2) of the *Fisheries Act*. However, DFO advises that Manitoba Hydro's Draft Environmental Assessment Scoping Document did not contain enough information to confirm which sections of the *Fisheries Act* would be triggered and to what extent. The Major Projects Management Office's Guide to Preparing a Project Description for a Major Resource Project outlines the information that should be included in a project description. It is recommended that Manitoba Hydro consult this Guide, available at <http://www.mpmo-bgamac.caidesc/guide-ena.pho>, and provide the additional information that is missing in the Scoping Document.

Transport Canada (TC) has advised that it is uncertain as to whether an Approval under the *Navigable Waters Protection Act* (NWPAs) would be required for the project and, if so, what kind of Approval. I understand that TC is in the process of obtaining more information on the project from Manitoba Hydro in order to assist TC in making a determination on the need for an NWPAs Approval. TC may or may not be a responsible authority depending on the nature of the Approval required.

Environment Canada, Indian and Northern Affairs Canada and Health Canada indicated that they have expertise, available upon request, that may assist in the environmental review of this project. A copy of the letter received from Health Canada, describing its areas of expertise, is attached.

Federal Comments on Manitoba Hydro's Draft Environmental Assessment Scoping Document

General Comments

- 1) A general note on the use of various terms including Aboriginal people, peoples, communities, groups etc. All the documents coming from the INAC Consultation Unit/DOJ suggests that the term "Aboriginal group" is the preferred term if not specifically addressing any individual group or community. On page 2 under section 3.0, if the intent of Aboriginal 'people' was to refer to 'Aboriginal' individuals then use 'individuals'. However, INAC suggests that the Local Chief and Council or appropriate level of the MMF be contacted and worked with to get to those individuals and discussions.
- 2) When collecting data from various Aboriginal groups and their membership, the proponent must keep the distinctive group's data separate so that concerns and possible effects on those groups is identifiable. For example, keep the First Nation and Metis data separate as well as the various First Nations data separate from each other.
- 3) It is difficult to determine which VECs should be added when the proponent has not indicated what is being considered in the assessment and who will be consulted to determine the VECs.
- 4) Will the proponent work with the Aboriginal groups to get their views on appropriate VECs?
- 5) What will be the Communication Strategy to notify Aboriginal groups and their users of temporary changes to access to the river and area?

Specific Comments

- 1) Section 1.2, last paragraph. It says that the powerhouse is not within the scope of this project. Can Manitoba Hydro reasonably continue to repair this facility forever or should it be considered in cumulative effects as a 'reasonably foreseeable' project, as it was only 3 years ago?
- 2) Section 5.1. The schedule of all construction activities should also include the schedule for any blasting that will occur on site. The information on new spillway operation should include any hydrological changes (including water elevations and discharges) that can be expected.
- 3) Section 6.1. The status quo (baseline?) is an alternative to the project and should be discussed as an option (even if it is to be ruled out for environmental or safety reasons). Alternative means of carrying out the project should include the

- rationale for the selection and a description of the process undertaken to determine the final design of the project components. This section should also include the need and requirement of a monitoring plan.
- 4) Section 7.0. It is noted that this section indicates that the existing environmental setting will describe the physical environment (including ambient noise and local air quality) and the aquatic environment (water quality and mercury levels in fish). However, it is unclear if the assessment of these components will address baseline information needs in regards to the human environment. Health Canada suggests the inclusion of all relevant human health considerations (e.g. impacts on country foods, drinking and recreational water quality) in the assessment of the existing environmental setting and that the scoping document reflects this inclusion.
 - 5) Section 7.2.2. This section should include the Winnipeg River system operations throughout the year for various hydraulic conditions.
 - 6) Section 7.3.3. Fish habitat use by individual species, with a focus on Lake Sturgeon, Walleye, and Northern Pike, should include all relevant fish species that inhabit the area and that have the potential to be affected by the proposed project. Information should also be provided on relevant/sensitive life stages of fish. 'Fish movement' should be expanded to explain what is meant by 'movement'. It should include movement within the study area, upstream migration, downstream migration, existing impacts of the lack of upstream migration on the general fish population, and existing impacts of downstream migration through the spillway and powerhouse.
 - 7) Sections 7.5.5, 7.5.8, 8.1, 8.2 and elsewhere. The sentence/concept should be expanded beyond harvesting to something like "current use of lands and resources for traditional purposes by aboriginal peoples (groups), and the significance to their cultural, social and economic well-being of any changes in the current use of lands and resources as a result of the project". The listing could be kept as examples.
 - 8) Section 7.5.8. One of the issues raised during the Wuskwatim process by the Métis (MMF) was the apparent lack of 'tools' to enable characterization of a site as Métis or First Nation (when younger than a few hundred years old). Have new techniques emerged, and will the proponent be able to identify a site as Mats or First Nations origin?
 - 9) Section 7.5.9. An additional section entitled "Navigation" should be added. This section should contain the following:
 - describe predicted direct and indirect effects of proposed works on navigation, including alterations on surface water hydrology, water withdrawal, fish habitat compensation measures, and proposed works built in, on, over, through, across or under any waterway.
 - provide a description of proposed mitigation measures and effectiveness of these measures for ensuring navigability and the protection of navigation safety during construction, operation and decommissioning of the proposed works.
 - describe all waterways affected by proposed works (new or changes to existing infrastructure) in, on, over, under, through or across any waterway. This would also include any temporary works that may impede vessel passage and safety.
 - 10) Section 8.0. This section provides general information on the effects assessment approach including the assessment of potential environmental effects, selection of appropriate VECs and description of mitigation measures for the physical,

biological and socio-economic environments. Limited information is provided with regards to the specific considerations of human health (e.g. impacts to country foods, drinking and recreational water quality, ambient noise, and air quality) that will be undertaken using the proposed effects assessment approach. It is unclear whether there will be an opportunity for technical advisory team review of the VECs chosen for the effects assessment. Health Canada suggests the inclusion of relevant human health components in the effects assessment and that the scoping document and subsequent procedural documents indicate the inclusion of any areas of potential health concern planned for the assessment. Please refer to the following guidance document for further information on Health Canada's areas of expertise and information that is useful for assessing potential health impacts for EAs: [http://www.hc-sc.gc.ca/ewh-semt/alt_formats/hecs-sesc/pdf/pubs/eval/environ assess-eval/environ assess-eval-enq.pdf](http://www.hc-sc.gc.ca/ewh-semt/alt_formats/hecs-sesc/pdf/pubs/eval/environ%20assess-eval/environ%20assess-eval-enq.pdf)

- 11) Section 8.2.2, last paragraph. Should all phases of the project read as per the definition in CEAA (e.g. maintenance is not included)? The CEAA definition is more inclusive.

Disposition:

All Technical Advisory Committee comments were provided to the proponent for consideration on August 3, 2010. It was requested that comments pertaining to the draft scoping document be incorporated in the final document. It was further requested that other comments be considered in the preparation of the Environmental Impact Statement.

The proponent provided the finalized scoping document incorporating the comments on August 30, 2010. The finalized scoping document was placed in public registries for the project on September 1, 2010.

Environmental Impact Statement

The proponent provided the Environmental Impact Statement (EIS) for the project on June 17, 2011. The EIS was advertised as follows:

“Manitoba Hydro has filed an Environmental Impact Statement for the Pointe du Bois Spillway Replacement Project. An Environment Act Proposal for the project was filed in June, 2010. The project involves the construction of new spillways and new concrete and earth dams at the Pointe du Bois Generating Station. The existing powerhouse will not be rebuilt, and will continue to operate with ongoing activities to maintain safety and reliability. Historical water level ranges will continue to be maintained on the forebay during and following the construction of the new spillway and dam components. The new spillway and dam facilities will be constructed immediately downstream of the existing facilities, and the existing facilities will be decommissioned upon the completion of the new facilities. Construction on the project is anticipated to start in 2011, with completion scheduled for 2016.”

The Proposal was advertised in the following newspapers:

- Winnipeg Free Press, Saturday, June 25, 2011
- Beausejour Clipper, Monday, June 27, 2011
- Winnipeg River Echo, Tuesday, June 28, 2011
- Pinawa Paper, Tuesday, June 28, 2011
- Lac du Bonnet Leader, Thursday, June 30, 2011

and placed in the following public registries:

- Main
- Millennium
- Eco-Network
- Brokenhead River Regional Library, Beausejour
- R. M. of Lac du Bonnet
- L.G.D. of Pinawa

It was distributed to TAC members on June 23, 2011. The closing date for comments from members of the public and TAC members was August 22, 2011.

COMMENTS FROM THE PUBLIC:

No public comments were received on the EIS.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation – Sustainable Resource and Policy Management Branch and Land Programs Branch

The Sustainable Resource and Policy Management Branch and the Land Programs Branch have no concerns, but provide the following comments:

Although the project area lies within a Recreational Development land use category (LUC), it is within 1km of a protected Backcountry LUC part of Whiteshell Provincial Park. It is recommend that project maps define the protected portions of Whiteshell Provincial Park for the information of the project team, and that all work related to the project remain outside these areas. The GIS shapefiles for Protected Areas are available for free download on the Manitoba Land Initiative (MLI) website <https://mli2.gov.mb.ca/>

Also, please be advised that there are pending Quarry Leases for the pending Hydro project located on SW31-15-15E & SE36-14-14E.

Disposition:

The comment regarding the Backcountry LUC can be addressed as a licence condition.

Manitoba Conservation – Wildlife and Ecosystem Protection Branch No wildlife concerns.

Manitoba Conservation – Air Quality Management Section

1. There's not enough details in the proposal on potential major sources of particulate matter (PM) emissions during the construction stage, specifically the concrete batch plant and crushing operations. It is expected that the concrete batch plant would be environmentally Licenced with adequate PM emission control and would also comply with the "Manitoba Heavy Construction Association Best Environmental and Safety Management Practice Redi-Mix Concrete Facilities" manual. Crushing operations to produce desired sizes such as aggregates or rock piles is a potential significant source of airborne PM and should be accordingly managed.
2. All other noise and air emissions are addressed in the submission and the more detailed procedures are expected to be included in the proposed environmental protection plan (EnPP) for the project. Examples are air emission from heavy equipment and vehicles, road dust, aggregate transport and storage , electric power generator, blasting and fuel and other petroleum based products transfer, storage and disposal.

Disposition:

Both of these comments can be addressed through licence conditions.

Manitoba Conservation – Parks and Natural Areas Branch

Parks and Natural Areas Branch has reviewed the Environment Impact Statement (EIS) filed pursuant to the Environment Act for the Pointe du Bois spillway replacement project (file 5471.00) and has the following comments to offer.

Aquatics

A large portion of the EIS pertains to fish, fish habitat, water flow, water quality etc. Parks and Natural Areas Branch defers to its colleagues in Water Stewardship and Fisheries Branch to review and comment on these sections as the provincial experts in these areas.

Length of Work Day and Work Week

The EIS states that provided weather conditions permit, the length of the work day will be 7am-10pm; 6 days a week with some work being 24 hours a day; 7 days a week. Proposed work day and work length for certain activities within Whiteshell Provincial Park may be restricted by Parks and Natural Areas Branch, especially during peak visitor season to reduce disturbance to park visitors and business operators and to reduce safety

risks. For example, there may be tighter restrictions on hauling during peak times from Friday noon until Monday morning. Hauling quarry material through the town site from the Salve Falls Road along Glassco Avenue is of particular concern. The specific details are to be worked out through ongoing discussions between Manitoba Hydro and regional Parks and Natural Areas Branch.

Concrete Batch Plant

Section 3.4.6 of the EIS speaks to the fact that the location of the concrete batch plant will be determined by the contractors' construction methods and could either be on the west or east side of the spillway. Manitoba Conservation has final authority on the siting of concrete batch plants. According to existing policy and Environment Act Licenses of existing concrete batch plants:

- concrete batch plants shall be operated only at locations approved by the Director of Environmental Assessment and Licensing Branch;
- and the concrete batch plant shall not be operated:
 - a) Within 100 metres of any surface watercourse or surface water body;
 - b) Within one kilometre of an ecological reserve or protected area within a Provincial Park; or
 - c) At any location where there is not a minimum 30 metre undisturbed vegetative riparian area between the concrete batch plant and a surface watercourse or surface water body.

The east work area is within 1 kilometre of the protected Backcountry area of Whiteshell Provincial Park and the majority of work areas as within 100m of the Winnipeg River. As such, the concrete batch plant may only be located within the west work area near the back (west edge) of this work area. All other normal conditions placed on the operation of concrete batch plants will also apply to the operation of the concrete batch plant being operated for this project, including any restrictions on time of use as determined on a situational basis by Regional Parks and Natural Areas Branch staff.

West Work Area and Restrictions Related to Boating/Canoeing

The EIS states many times that due to the location of the west work area there will be no access to the Hydro Boat Launch and that those with boat-houses along the shoreline adjacent to the boat launch will only be able to access their boat houses on foot. Parks and Natural Areas Branch, understands and accepts this. However, Parks and Natural Areas Branch requests that Manitoba Hydro clear a narrow access trail just west of their work area so that people have a clear indication on how to access their boat houses. This will prevent the creation of multiple trails through the forest west of the work area by people accessing their boats. Manitoba Hydro is to work with Parks and Natural Areas Branch to determine the best location and construction method for their trail based upon environmental considerations and safety considerations.

Section 3.9 of the EIS states that due to the location of the west work area the canoe portage route from the Hydro Boat Launch to below the power house will have to be moved. It is proposed that re-direction to Sawmill Bay is an acceptable alternate location to start the portage. The Winnipeg River system is a popular wilderness canoe route travelled by private individuals and guided outfitters. Parks and Natural Areas Branch deems it unrealistic to expect groups to portage the distance from Sawmill Bay to Pointe

du Bois. The only acceptable alternative is to create a trail on the west side of the work area that can be used as a portage. This would be the same trail mentioned above that people would use to access their boat houses and a realistic alternative as distance would increase only minimally. Signage at the boat launch should be erected to indicate that the portage is still in place, and that it is merely routed around the west work area.

Post-Construction Rehabilitation/Re-vegetation

Manitoba Hydro states throughout the EIS that rehabilitation of disturbed sites is to occur once the project is completed. It is Manitoba Hydro's responsibility to ensure that no sites are contaminated and that all contaminated sites are cleaned up as part of the rehabilitation process. Section 3.6.2 mentions that "non-invasive introduced species" are proposed to be used in rehabilitation. Because of the current nature of the sites being disturbed by this project only native species typical of the area are permitted to be used in rehabilitation and re-vegetation. Parks and Natural Areas Branch must approve the proposed species planting list as well as a planting plan that Manitoba Hydro is to submit to Parks and Natural Areas Branch prior to rehabilitation commences.

Chemical Control of Pests/Disease/Vegetation

Section 3.11.1 speaks to the use of chemical spraying for disease, insect and vegetation control as part of onsite vegetation management. The use of insecticides, pesticides and other chemical control agents within a provincial park may only be authorized by the Director of Parks and Natural Areas Branch. Manitoba Hydro must apply to Parks and Natural Areas Branch separately and include a list of chemicals proposed to be used, where they are to be applied, how they are to be applied, and by whom.

Woody Debris

Section 8.4.8.3 speaks to proposed mitigation measures to deal with timber and slash from the clearing of work areas. Parks and Natural Areas Branch recommends that Manitoba Hydro consult with regional Forestry staff to ensure that merchantable timber and slash are managed in an appropriate fashion as "storage" in stockpiles can result in fire hazards and wasted timber.

Wetlands and Terrestrial Vegetation

Section 8.6.1.3 speaks to proposed mitigation measures for rare plant species including marking locations of S1 and S2 plants and avoidance of clearing around these locations where practicable. Where it is not practicable to avoid clearing these locations Parks and Natural Areas Branch requests that affected plants be transplanted to suitable areas. It is not expected that rare trees and large shrubs be transplanted, but smaller rare shrubs, graminoids and forbs should be.

Raptors

The EIS identifies an eagle nest that is located on the west shore of the East Work Area. This nest is located in the "potential disturbance area" as identified on Figure 7.25. Section 8.6.4.3 speaks to potential mitigation measures for raptor nests including eagles. Relocation of the existing nest and others that may be found on site is not an acceptable mitigation measure within the park. The Forest Management Guidelines for Terrestrial Buffers 2010-2015 developed a set of guidelines for appropriate buffers around important

wildlife features including eagle and osprey nests and other active large stick nests. These guidelines were developed mainly for the timber industry. However, as they follow best practices guidelines they are to be adhered to in the development of the East Work Area. An undisturbed buffer of 100m is to be left around the eagle or osprey nest tree; an undisturbed buffer of 50m is to be left around the nest tree of the active large stick nests of other species. The purpose of this permanent buffer is to protect nest trees and maintain the integrity of the nesting site. From April 1 to July 31 (critical nesting period for eagles and osprey) a buffer width of 200m is to be maintained around the nest tree to protect these raptors from sensory disturbance during the breeding season. Clearing area to within the smaller buffer of 100m is permitted to occur between August 1 and March 31. Placement of the distribution line to supply power to the East Work Area may have to be altered to meet these buffer requirements.

Environmental Protection Plan

Manitoba Hydro states throughout the EIS that they will be developing and Environmental Protection Plan (EPP) for this proposed project. As this proposed project is fully within Whiteshell Provincial Park, Parks and Natural Areas Branch is to be provided the opportunity to review and provide comment on the EPP prior to any work commencing to ensure that all proposed mitigation measures etc. are adequate and consistent with park management and policies.

Parks and Natural Areas Branch has no further comments to offer. Parks and Natural Areas Branch is committed to continuing the open dialogue with Manitoba Hydro to mitigate Parks and Natural Areas Branch's concerns while meeting Manitoba Hydro's objectives with this project.

Disposition:

These comments were forwarded to the Proponent for information. Several of the items will be addressed through Parks and Natural Areas approvals as discussed in the comments. For the remaining items, all matters can be addressed through licence conditions. The Parks and Natural Areas Branch will be involved in the review of the Environmental Protection Plan prior to its approval.

Manitoba Water Stewardship – Planning and Coordination Branch

- Manitoba Water Stewardship requires an *Environment Act* Licence to include the following:
 - The Licencee is required to develop a water quality monitoring program, downstream of the proposed development. The Licencee is encouraged to coordinate the timing of sampling with Environment Canada's sampling schedule.

- Note: A significant amount of data is available from Environment Canada's long term sampling station, located upstream of the current spillway.
 - The Licencee is required to comply with the maximum acceptable concentrations of water quality variables found in the current version of the Manitoba Water Quality Standards, Objectives, and Guidelines (attached), for the protection of aquatic life and wildlife.
 - The Licencee is required to implement measures to reduce the amount of surface runoff, sedimentation, and erosion. Vegetative buffer areas shall be minimally disturbed.
 - The Licencee is required to develop a standard protocol to prevent the introduction of foreign biota:
 - A contact person is Ms. Laureen Janusz, Fisheries Biologist, Fisheries Branch, telephone: (204) 945-7789 and
 - A contact person is Ms. Wendy Ralley, Manager, Water Quality Management Section, telephone: (204) 945-8146.
 - The Licencee is required to develop and implement an Emergency Response Plan that includes the following:
 - Prepare a list of public water systems, with contact information, which use the river water downstream of the project. Immediately notify these downstream water systems in the event of a significant change to the river water quality or an accidental spill of potentially hazardous materials into the river.
 - Report new aquatic invasive species to the project area to Manitoba Water Stewardship, within seven days of discovery.
 - A contact person is Ms. Laureen Janusz, Fisheries Biologist, Fisheries Branch, telephone: (204) 945-7789 and
 - A contact person is Ms. Wendy Ralley, Manager, Water Quality Management Section, telephone: (204) 945-8146.
- Manitoba Water Stewardship requests clarification for the following:
 - In Section 3.0:
 - A description is not provided for the locations of the existing water level and/or discharge gauging stations. This could include a plan

with locations and a brief description of gauge type and period of records at each location.

- Will any water level gauges be lost due to the construction? Will any gauges be added?
 - At what frequency will they monitor/review their gauges and water level data during construction to verify the simulated hydraulic model results?
 - In Section 7.0:
 - The flow hydrograph (Figure 7.5) and the Flow Duration Curve (Figure 7.6) do not consume data until the current years rather the data period ends to year 2006. Why ?
 - In Section 8.0:
 - On Page 8.9, the proponent should provide within the text a description of the water gauges used to monitor/analyse water levels / discharges upstream and downstream of the Pointe du Bois Generating Station. The proponent should display the locations of these gauges in plan view.
 - Also, the proponent should provide relevant reference(s) regarding hydraulic modelling work that was completed to estimate water levels, velocities, flow patterns, and depths under various flow conditions in support of the project (refer to Page 8.9; last Paragraph in Section 8.4.4).
 - In Section 11.0:
 - The Proposal mentions that “several project-specific monitoring plans will be developed to address various environmental components.” The Proposal does not provide a list of examples of such monitoring plans.
 - In Section 12.0:
 - The references listed under Technical Memoranda (Pages 12.3 to 12.5) are not referenced in appropriate sections of the Proposal. Please refer to the review comments provided for Section 8.0.
- Manitoba Water Stewardship submits the following comments:
 - Manitoba Water Stewardship does not object to this proposal, at this time.

- Manitoba Water Stewardship has requested to be provided with the proponent's Adaptive Management Plan and Hydraulic Modelling information, for the proposed development. When the Department completes its review of the Adaptive Management Plan and the Hydraulic Modelling information, an additional Departmental response is planned to be provided.

Disposition:

Several of these comments can be addressed as licence conditions applying to monitoring during construction. Information for clarification was requested from the proponent to address a number of comments; this information will be provided to Manitoba Water Stewardship when available but is not needed for licensing purposes.

Manitoba Culture, Heritage and Tourism – Historic Resources Branch

Pending the results of the Heritage Resource Impact Assessment undertaken June 2011 under Heritage Permit A19-11, the impact and future mitigation measures (if any) of archaeological sites EbKv-53 and EbKv-54, and any other identified heritage concerns are to be determined in consultation with the Historic Resources Branch.

Under section 12(2) of the Heritage Resources Act, if the Minister of Culture, Heritage and Tourism has reason to believe that heritage resources are known, or thought likely to be present, on lands that are to be developed, the owner/developer may be required to conduct at his/her own expense, a heritage resources impact assessment and mitigation, if necessary, prior to the project's start.

If you have any questions or comments, please feel free to contact Brian Smith, Manager Archaeological Assessment Services HRB, by phone (204-945-1830) or by email: Brian.Smith@gov.mb.ca.

Disposition:

These comments were provided to the proponent and consultant for information.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

MIT has reviewed the Environment Act Proposal noted above and, while we do not have any objections to the proposal, we would like to raise the following comments:

- The proponent should be informed that, under the Highways and Transportation Department Act, any new, modified or relocated access connection onto a provincial road will require a permit from MIT (including changed use in access). A permit may also be required for any construction (above or below ground level)

within 38.1 m (125 ft) or for any plantings within 15.2 m (50 ft) from the edge of the right of way of PR 313.

The proponent can contact Mr. Kevin Nimchuk, A/Access Management Technologist, at 204-471-4511.

- The proponent shall ensure that all proposed access roads onto PR 313 are reviewed to conform to Department standards.
- The proponent may be required to provide MIT a traffic impact study, which identifies the present and projected traffic volumes entering and exiting the proposed development. Any on highway improvements identified within this would be designed and constructed to standards and specifications acceptable to the Department at the expense of the proponent.

The proponent may contact Mr. Heinz Lausmann, Senior Highway Planning Engineer, at 204-945-2664.

Disposition:

These comments were provided to the proponent and consultant for information.

Manitoba Local Government – Community Regional Planning Branch

Community and Regional Planning Branch has reviewed the Pointe du Bois Spillway Replacement Project Environmental Impact Assessment. This project is being initiated by Manitoba Hydro in an attempt to modernize the current generating station by addressing public safety, dam safety, and creating a safer working environment for staff.

The Pointe du Bois Generating Station is located within the Whiteshell Provincial Park. Land use designations in this area are pursuant to *The Provincial Parks Act* and therefore at the discretion of Manitoba Conservation. As such, Community and Regional Planning does not have any concerns with the proposal at this time.

Canadian Environmental Assessment Agency

Attached is a consolidated set of federal comments on the Pointe du Bois Spillway Replacement Project EIS and associated documents. Also attached is a guidance document referred to in Health Canada's comments. These comments have also been provided to Manitoba Hydro directly.

(These documents are attached to this Project Summary as Appendices 1 and 2. The proponent will respond directly to the Canadian Environmental Assessment Agency concerning the federal comments.)

ADDITIONAL INFORMATION:

No additional information was required to address TAC comments for licensing purposes. Some additional information for clarification was requested for Manitoba Water Stewardship; this information will be forwarded when available. The federal information request was provided directly to the proponent, and a direct response is anticipated.

PUBLIC HEARING:

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

CROWN-ABORIGINAL CONSULTATION:

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right of that First Nation, Métis community or other Aboriginal community.

Following receipt of the finalized scoping document for the project in the summer of 2010, a provincial consultation steering committee was formed to determine the need for Crown-Aboriginal consultation for the project. An Initial Assessment and Record of Conclusion was prepared for the project, which concluded that there was no need to initiate consultation at the time. It was also concluded that this decision would be reviewed upon the receipt and evaluation of the EIS for the project.

Following the TAC review of the more detailed description of the project provided in the EIS, the steering committee reviewed its earlier conclusion respecting the need for consultation on the project. The EIS confirmed the size and location of the footprint of activities associated with the project in water and on land, and concluded that the project was not anticipated to result in any significant adverse environmental effects. Accordingly, the project was not anticipated to have an effect on the exercise of any treaty or Aboriginal rights. Prior to the filing of the EIS, Sagkeeng First Nation and the Manitoba Metis Federation had communicated concerns about the project to the Province. In letters of November 15, 2011, Manitoba Water Stewardship on behalf of the Province invited these organizations to forward any further comments on the project and its EIS to the Province. No response was received from the Manitoba Metis Federation. In a letter of December 5, 2011, Sagkeeng First Nation requested that an independent review of the EIS be undertaken, with community consultation following on any adverse effects identified by the review. Sagkeeng further requested that the Environment Act Licence for the project not be issued until the review and community consultation were complete.

Representatives of the consultation steering committee met with Sagkeeng representatives on December 15, 2011 and January 6, 2012 to discuss an independent review of the EIS and the timing of this in relation to the issuance of the Environment Act Licence. It was agreed that in view of later approvals needed for environmental protection program components and monitoring plans, there was opportunity to incorporate Sagkeeng concerns following the independent review. It was further agreed that since the issuance of the licence would only facilitate clearing activities which must be done during the winter months, this activity could proceed. It is the intention of the province and Sagkeeng to have the results of the independent review available prior to the approval of environmental protection plans for later components of the project.

Therefore, issuance of the Environment Act Licence for the project is supported by the consultation steering committee.

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 retained by the Environmental Assessment and Licensing Branch until construction of the project is complete. Administration of the licence should then be transferred to the Eastern Region of the Environmental Operations Branch.

PREPARED BY:

Bruce Webb

Environmental Assessment and Licensing - Land Use Section

September 22, 2011 Updated October 26, 2011 and January 6, 2012

Telephone: (204) 945-7021 Fax: (204) 945-5229

E-mail: bruce.webb@gov.mb.ca

Appendix 1

Pointe du Bois Spillway Replacement Project
Federal Comments on Environmental Impact Statement
and Associated Documents – August 2011

Appendix 2

Health Canada Draft Guidance Document for Noise Assessment