

DATE: August 23, 2021

TO: Public Registry

FROM: Eshetu Beshada, Ph.D., P. Eng.
Senior Environmental Engineer
Industrial and Wastewater Section

SUBJECT: File 6117.00 – Coco Paving Canada Inc. – Information for Public Registry

Please find attached the TAC correspondences related to Coco Paving Canada Inc. – Russell Redi-Mix – Mobile Asphalt Plant file (6117.00) for distribution to the public registries. The documents included are:

TAC Comments

- August 18, 2021 an email from Compliance and Enforcement Branch, 1 page
- August 13, 2021 an email from Manitoba Infrastructure, 1 page
- August 11, 2020 an email from Wildlife Branch, 1 page
- August 5, 2021 an email from Sport, Culture and Heritage - Historic Resources, 10 pages
- July 30, 2021 an email from Forestry and Peatlands Branch, 1 page

14 pages total

Thank you.

DATE: August 18, 2021

TO: Eshetu Beshada, PhD, P. Eng
Environmental Approvals
Manitoba Conservation and Climate

FROM: Tyler Kneeshaw
Environmental Compliance & Enforcement
Manitoba Conservation and Climate
309-25 Tupper Street North
Portage la Prairie MB R1N 3K1

PHONE NO.: (204) 239-3608

SUBJECT: CF 6117.00 – Coco Paving o/a Russell Redi-Mix – Mobile Asphalt Plant

Manitoba Conservation and Climate, Environmental Compliance and Enforcement has reviewed the Environment Act Proposal for the proposed mobile asphalt plant and has no comments at this time.

Beshada, Eshetu (CC)

From: +WPG969 - MIT Environmental Services Section (MI) <MITEnviServices@gov.mb.ca>

Sent: August 13, 2021 1:07 PM

To: Beshada, Eshetu (CC) <Eshetu.Beshada@gov.mb.ca>

Subject: RE: Request for Environment Act Proposal Review - File 6117.00 - coco Paving - O/s Russell Redi-Mix. - Mobile Asphalt Plant

Good afternoon,

From MI's ***Western Region*** and MI's ***Roadside Development Section***:

- On page 8 & 9, the proponent has included previous comments from Manitoba Infrastructure and Transportation. These comments are still valid with the exception of the third bullet. Change in use of an existing accesses on a PTH is no longer required under the Transportation Infrastructure Act.
- Under the Transportation Infrastructure Act, a permit is required from Manitoba Infrastructure to construct, modify, relocate, remove or intensify the use of an access. A permit is also required from Manitoba Infrastructure to construct, modify or relocate a structure or sign, or to change or intensify the use of an existing structure (including the alteration of existing buildings)

No concern from MI's ***Water Management, Planning and Standards Branch***.

Thank you for the opportunity to review and comment.

Beshada, Eshetu (CC)

From: Kiss, Brian (ARD) <Brian.Kiss@gov.mb.ca>

Sent: August 11, 2021 11:48 AM

To: Beshada, Eshetu (CC) <Eshetu.Beshada@gov.mb.ca>

Subject: RE: Request for Environment Act Proposal Review - File 6117.00 - coco Paving - O/s Russell Redi-Mix. - Mobile Asphalt Plant

No wildlife related concerns.

-Brian Kiss

Beshada, Eshetu (CC)

From: +WPG574 - HRB Archaeology (SCH) <HRB.archaeology@gov.mb.ca>

Sent: August 5, 2021 12:17 PM

To: Beshada, Eshetu (CC) <Eshetu.Beshada@gov.mb.ca>

Cc: Graham, Reid (SCH) <Reid.Graham@gov.mb.ca>

Subject: RE: Request for Environment Act Proposal Review - File 6117.00 - coco Paving - O/s Russell Redi-Mix. - Mobile Asphalt Plant

Hello Eshetu,

Please find attached a copy of our concerns memo. It is not clear in EAP 6117.00 if the plant to remain in a fixed location (page 13) or is it to be moved (page 7).

We suggest that temporary asphalt plant locations be screened through hrb.archaeology@gov.mb.ca prior to their relocation as has been arranged with other temporary asphalt plant enterprises.

Sincerely,
Suyoko

Suyoko Anne Tsukamoto

Senior Impact Assessment Archaeologist

Historic Resources Branch | Manitoba Sport, Culture and Heritage

213 Notre Dame Avenue, Main Floor | Winnipeg, MB | R3B 1N3

T (204) 945-3893 | F (204) 945-2384 | suyoko.tsukamoto@gov.mb.ca

Archéologue senior

Ressources historiques | Manitoba Sport, Culture et Patrimoine

213, avenue Notre Dame, Rez-de-chaussée | Winnipeg, MB | R3B 1N3

Tél (204) 945-3893 | Téléc (204) 945-2384 | suyoko.tsukamoto@gov.mb.ca

DATE: 2021-08-05

TO: Eshetu BESHADA
Environmental Engineer
Sustainable Development
Environmental Stewardship
123 Main Street,
Winnipeg, Manitoba
R3C 4V9

FROM: Suyoko TSUKAMOTO
Sr. Impact Assessment Archaeologist
Historic Resources Branch
Main Floor – 213 Notre Dame Avenue
Winnipeg, Manitoba
R3B 1N3

PHONE NO: (204) 945-2118
FAX: (204) 948-2384
E-MAIL: Hrb.archaeology@gov.mb.ca

SUBJECT: Request for review/comment - Coco/Russell Portable Asphalt File: 6177.00
HRB File: AAS-21-17252

Concerns

It is not clear from the Environmental Act Proposal 6117.00, whether the temporary asphalt plant will be moved (see EAP page 7) or remain in fixed location (see EAP page 13).

The proponent should be informed that the development of temporary asphalt plants outside of designated Manitoba Infrastructure (MI) gravel pits have the potential to impact heritage resources; the Archaeological Assessment Services Unit (AASU) of Sport, Culture and Heritage (SCH) must be immediately contacted with the potential locations for setup for Russell Redi Mix Concrete's Asphalt plants.

The AASU will work to provide a quick assessment regarding appropriate locations (or areas to avoid) within proposed construction areas to ensure that heritage resources are protected and work can proceed as scheduled. Similar arrangements have been made under EAP5867.00 (AAS-16-11469).

In addition, the EAP should include a provision concerning the possibility of accidentally encountering heritage resources, including human remains, and a plan containing an outline of the appropriate measures to mitigate those impacts upon such an encounter. Such a plan includes a stop work order and immediately contacting SCH's AASU and MI.

Attached is a heritage resource protection plan (HRPP) template that consists of operational procedures to limit damage or destruction of heritage resources accidentally found during site work. This document assists informing managers, employees, contractors on what to do and whom to call should heritage resources accidentally be encountered during the course of daily operations.

If at any time heritage resources are encountered in association with these sites during operation or development, SCH's AASU may require that an acceptable heritage resource management strategy be implemented by the proponent to mitigate the affects on the heritage resources.

Heritage Resources Protection Plan (HRPP) Guidelines

Purpose of HRPP – Preventative Action:

To assist [insert company name] with informing managers, employees, contractors on what to do and whom to call should heritage resources accidentally be encountered when testing and development is underway on site. The HRPP consists of operational procedures to limit damage or destruction of heritage resources accidentally found during site work.

Key Steps:

1. All workers on-site should be informed of the HRPP in advance of work proceeding and who to contact should there be a chance encounter during on-site activity.
2. If heritage objects or human remains are discovered on site, activities are to stop at that location immediately and the Historic Resources Branch be notified. (HRB.archaeology@gov.mb.ca, (204) 945-2118)
3. In the case of human remains, the nearest law enforcement agency (i.e., RCMP or local police department) must be contacted to first rule out any forensic issues.

Why Report? :

Many people find heritage objects accidentally. If these items are reported to the Historic Resources Branch, their significance can be assessed and the resulting information can generally shared with the public. Some heritage objects can be several thousand years old.

Legislation and Policy:

The Heritage Resources Act (The Act) and the Province of Manitoba Policy Concerning the Reporting, Exhumation and Reburial of Found Human Remains (Burials Policy) apply to protecting heritage resources.

Preparing the HRPP

These are basic guidelines to help developers draft an HRPP.

This is a non-exhaustive guideline involving a single stakeholder. Projects involving multiple stakeholders/ community partners will require more detail.

Provide purpose/intent of HRPP to general user.

Explicitly state key message/ takeaway for user

All on-site workers should be aware of or briefed about the protocol.

Introduce the need to report findings.

Identify the relevant legislation pertaining to heritage resource protection.

What are Heritage Resources? :

Heritage resources and heritage objects are defined under the *Heritage Resources Act*:

"heritage resource" includes

- (a) a heritage site,
- (b) a heritage object, and
- (c) any work or assembly of works of nature or of human endeavour that is of value for its archaeological, palaeontological, pre-historic, historic, cultural, natural, scientific or aesthetic features, and may be in the form of sites or objects or a combination thereof

"heritage object" includes

- (a) an archaeological object,
- (b) a palaeontological object,
- (c) a natural heritage object, and
- (d) an object designated as a heritage object by the Lieutenant Governor in Council under subsection (2);

"archaeological object" means an object

- (a) that is the product of human art, workmanship or use, including plant and animal remains that have been modified by or deposited due to human activities,
- (b) that is of value for its historic or archaeological significance, and
- (c) that is or has been discovered on or beneath land in Manitoba, or submerged or partially submerged beneath the surface of any watercourse or permanent body of water in Manitoba;

"palaeontological object" means the remains or fossil or other object indicating the existence of extinct or prehistoric animals, but does not include human remains.

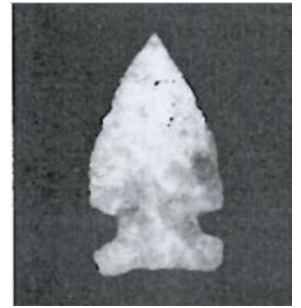
"natural heritage object" means a work of nature consisting of or containing evidence of flora or fauna or geological processes;

"human remains" means remains of human bodies that in the opinion of the minister have heritage significance and that are situated or discovered outside a recognized cemetery or burial ground in respect of which there is some manner of identifying the persons buried therein;

Notes/Comments

Provide verbatim definitions of heritage language as presented within The Heritage Resources Act.

Examples of heritage resource objects (below)



Examples of Archaeological Objects (above)



Example of a Palaeontological Object

Discovery and notification structure:

Better safe than sorry: do not hesitate to report potential or suspected finds. The Historic Resources Branch is here to provide advice and expertise at no cost to the developer.

1. If heritage resources, including human remains are encountered, stop work immediately.

2. Notify the on-site manager about the discovery.
[Insert contact information here, including names, position, and phone numbers]

3. Mark-off area with “flagging tape” to identify and restrict the area.

4. The on-site manager will contact the Historic Resources Branch at (204) 945-2118

5. In the case of possible found human remains, the on-site manager will contact
 - a. Historic Resources Branch at (204) 945-2118

 - b. [Insert local police authority name and contact information here.]

Notes/Comments

Provide step-by-step instruction on what to do and who to contact should heritage resources be accidentally encountered.

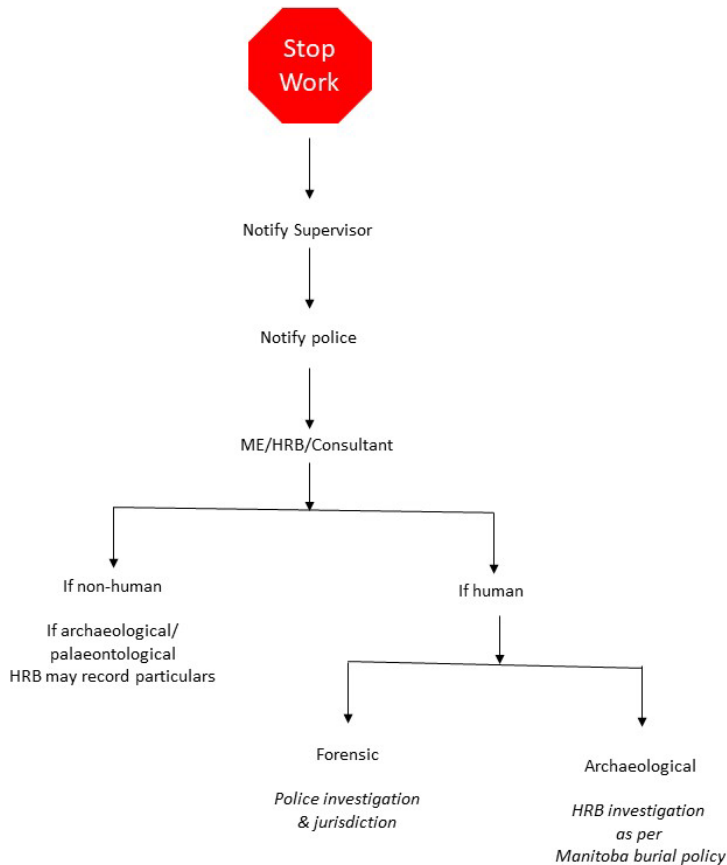
- *Who is the site supervisor?*
- *Who do you contact if supervisor is unavailable?*
- *What are the phone numbers for these individuals?*

- *What is the name of the local police authority?*
- *What is the phone number during the day and after hours?*



What to expect after notification for possible found human remains:

1. The local police authority will immediately attend the site and further secure the site.
2. The local police authority may notify the Medical Examiner's (M.E.) Office of a potential case of founding human remains as per *The Fatalities Inquiries Act*.
3. The local police authority and/or the ME's office may contact the Historic Resources Branch (HRB) or their own forensic anthropology consultant.
4. The police and their consultant will determine if the remains are:
 - a. Human or animal
 - b. Forensic or archaeological in nature.
5. If the remains are forensic in nature or cannot be immediately assessed, the police authority and ME will have jurisdiction over the area.
6. If remains are determined to be non-forensic (i.e., archaeological) in nature and their removal is required, HRB will be responsible for their exhumation and reburial as per Manitoba Burial Policy



Notes/Comments

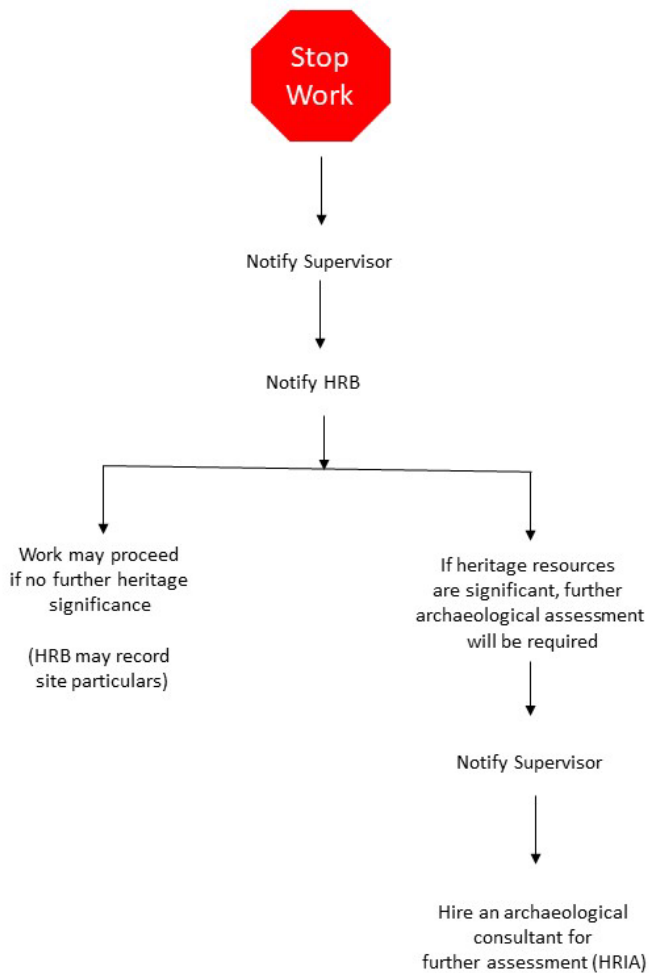
Under no circumstances should site information be shared with the media or the public. Site locations are protected by the Freedom of Information and Protection of Privacy Act (FIPPA).

Communication should be limited to the local police authority or the Historic Resources Branch.

What to expect after notification for heritage objects other than human remains:

1. The Historic Resources Branch (HRB) will visit the site
2. The HRB will determine if additional heritage mitigation work will be required.
3. If further mitigation work is required, the developer may need to contract a qualified archaeological consultant to conduct a Heritage Resources Impact assessment (HRIA) of the proposed development location, in order to identify and assess any heritage resources that may be negatively impacted by development. If desirable, the Branch will work with the developer/land owners and its consultant to draw up terms of reference for this project.

The HRB will determine if a heritage resource management strategy needs to be implemented by the developer to mitigate the effects of the development on the heritage resources.



Potential penalties

Under the *Manitoba Heritage Resources Act* [69\(1\)](#), any person who contravenes or fails to observe a provision of this Act or a regulation, order, by-law, direction or requirement made or imposed thereunder is guilty of an offence and liable, on summary conviction, where the person is an individual, to a fine of not more than \$5,000 for each day that the offence continues and, where the person is a corporation, to a fine of not more than \$50,000 for each day that the offence continues.

Useful Resources:

Government of Manitoba

Heritage Objects: A Precious Resource for all Manitobans.
Winnipeg, Manitoba: Manitoba Culture, Heritage and Citizenship, 1996. Accessible online at:
www.gov.mb.ca/chc/hrb/pdf/heritage_objects.pdf

Managing Our Heritage Resources: Impact Assessment. Winnipeg, Manitoba: Manitoba Culture, Heritage and Citizenship, 1993.
Accessible online at:
www.gov.mb.ca/chc/hrb/pdf/impact_assessment_booklet.pdf

Notes/Comments

Identifying potential penalties serves to emphasize the importance of this legislation

Additional information about heritage objects or the heritage resource impact assessment process can be found online

Provisions Regarding Found Human Remains

The discovery and recovery of human remains is a sensitive issue, but one that is governed by provincial laws and process. Therefore, it is the responsibility of any individual encountering human remains to ensure that, upon discovery, actions are undertaken consistent with provincial legislation and policy. Failure to comply may result in legal action being taken.

This information is being provided to all persons conducting fieldwork under a Manitoba Heritage Permit. It outlines the Province of Manitoba's requirements and procedures consistent with *The Heritage Resources Act* (1986) and Manitoba's "*Policy Respecting the Reporting, Exhumation and Reburial of Found Human Remains*" (1987) to be followed in the event that human remains are discovered.

References herein to *The Heritage Resources Act* (1986) are not meant to supplant the *Act*, a copy of which may be obtained online or from:

Queen's Printer, Statutory Publications
Lower level, 200 Vaughan Street, Winnipeg, MB R3C 1T5
In Winnipeg: (204) 945-3101 Toll free in MB: 1-800-321-1203
Email: statpub@gov.mb.ca

Responsibility Rests with the Historic Resources Branch

The Historic Resources Branch is responsible for the administration of *The Heritage Resources Act* (1986) and to oversee the disposition of found human remains of an archaeological nature from the moment of discovery. Accordingly, the protection, preservation and disposition of found human remains and associated heritage objects will be overseen by personnel designated by the Historic Resources Branch (*Burials Policy: Legal Provision G*).

Any human remains occurring outside recognized cemeteries may potentially be forensic in nature, that is, remains associated with past behaviors, actions or events which are a concern of other legal agencies (for example, missing persons). For this reason it is always advisable to notify the nearest police or RCMP detachment in addition to the Historic Resources Branch upon the discovery of human remains.

Definition of Human Remains

The Heritage Resources Act (1986), Section 43 (1) states that "human remains" means:

"remains of human bodies that in the opinion of the minister have heritage significance and that are situated or discovered outside a recognized cemetery or burial ground in respect of which there is some manner of identifying the persons buried therein."

Heritage Permits

Heritage Permits issued by the Historic Resources Branch are subject to prescribed terms and conditions, and unless specifically stated, do not permit the handling or disturbance or possession of human remains upon discovery:

The Heritage Resources Act (1986), Sections 53; 45; and 46 state:

- 53 No person shall search or excavate for heritage objects or human remains except pursuant to a heritage permit and in accordance with such terms and conditions as may be prescribed by the minister and set out in or attached to the heritage permit.
- 45 The property in, and the title and right of possession to, any human remains found by any person after May 3, 1967, is and vests with the Crown.
- 46 Every person who finds an object that is or that the person believes to be a heritage object, or remains that are or that the person believes to be human remains, shall forthwith report the find to the minister and shall not handle, disturb or do anything to the object or the remains except in accordance with such requirements as the minister may prescribe.

Manitoba's Burials Policy

In 1987, the Province of Manitoba approved the *Policy Respecting the Reporting, Exhumation and Reburial of Found Human Remains* (otherwise known as: Manitoba's "Burials Policy"). The *Burials Policy* establishes what is to be done upon discovery of found human remains in accordance with *The Heritage Resources Act* (1986). A copy of the *Burials Policy* will be provided upon request to the Historic Resources Branch.

The essentials of the *Burials Policy* constitute the best practice following discovery of human remains:

1. Unless unavoidable and necessary human remains are not to be removed from their original resting place.
2. When human remains are discovered a) all work ceases and the Historic Resources Branch is notified immediately; b) no further disturbance of the remains occurs until the arrival of personnel designated by the Historic Resources Branch.
3. Community consultation takes place before exhumation or removal of human remains or associated grave goods.
4. Personnel designated by the Historic Resources Branch shall carry out the exhumation, and as much as possible, out of the public eye.
5. Identification procedures will be undertaken only by personnel designated by the Historic Resources Branch.
6. Reburial of human remains when a First Nation is involved is arranged by the Aboriginal Liaison Officer of the Historic Resources Branch in conjunction with the community. Reburial in all other cases will be handled only by personnel designated by the Historic Resources Branch.

Manitoba Sport, Culture, and Heritage
Historic Resources Branch
Main Floor, 213 Notre Dame Avenue
Winnipeg, MB R3B 1N3
In Winnipeg : (204) 945-2118
Emergency : (204) 792-5730
Toll free in MB : 1-800-282-8069 ext. 2118
Email : hrb@gov.mb.ca

Website: www.manitoba.ca/heritage



Beshada, Eshetu (CC)

From: Porteous, Marianne (ARD) <Marianne.Porteous@gov.mb.ca>

Sent: July 30, 2021 9:18 AM

To: Beshada, Eshetu (CC) <Eshetu.Beshada@gov.mb.ca>

Subject: RE: Request for Environment Act Proposal Review - File 6117.00 - coco Paving - O/s Russell Redi-Mix. - Mobile Asphalt Plant

Hello,

If a portable asphalt plant is to be set up in a Provincial Forest, the proponent must apply for and obtain the necessary permit as per the Forest Act and regulations thereunder.

Marianne