

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Town of Neepawa

PROPOSAL NAME: Neepawa and Region Water Supply Upgrade Project

CLASS OF DEVELOPMENT: Two

TYPE OF DEVELOPMENT: Water Development and Control

CLIENT FILE NO.: 5246.00

OVERVIEW:

The Proposal was received on January 8, 2007. It was dated January 5, 2007. The advertisement of the Proposal was as follows:

“A Proposal has been filed by the Town of Neepawa for the construction and operation of a groundwater supply system to provide water for municipal purposes in the Town. The groundwater supply system would include a well system adjacent to SW 4-13-15W (one mile north of Oberon) that would supply up to 1,200 cubic decametres of water per year for Neepawa, a well system adjacent to W 22-13-14W (near Hummerston) that could supply up to 617 cubic decametres of water per year for future rural distribution pipelines in the vicinity of Neepawa, and a pipeline from the well fields north along PTH 5 to Neepawa. The Neepawa water treatment plant would not be modified for the project. Once the proposed system was completed, the Town of Neepawa would no longer use Lake Irwin as a water source. Construction of the system is proposed to begin within three years depending on the availability of funding.”

The Proposal was advertised in the Neepawa Banner on Monday, January 22, 2007. It was placed in the Main, Winnipeg Public Library, Manitoba Eco-Network and Western Manitoba Regional Library (Brandon) registries and the Town of Neepawa, R. M. of Lansdowne and R. M. of Westbourne offices as registry locations. It was distributed to TAC members on January 16, 2007. The closing date for comments from members of the public and TAC members was February 21, 2007.

COMMENTS FROM THE PUBLIC:

Kerry Francis I would like to know how to voice opposition to the town of Neepawa tapping into the aquifer in Langford municipality. The farmers have been denied new pivots for irrigation due to low water levels, so how can the town tap into the aquifer? The water used by irrigation returns to the ground, while water pumped to town

is gone for good. I would also like to know what the towns plan is for those of us that live on the aquifer when they run us out of water. I am surrounded by neighbors who are opposed to this, and need a course of action to take.

Disposition:

Additional information on filing comments and registry locations was provided to the writer. No further response was received. Mitigation for private wells affected by the project is discussed in the proposal and can be addressed through a licence condition.

Cecelia Slon As a concerned citizen of Neepawa I feel that immediate action should be taken to look at changing the present water supply to groundwater. Our present water usually has a foul odor to it, it tastes awful and I worry about its safety for human consumption. As a Registered Nurse working in the community I have noticed that very high percentage of citizens are buying and using bottled water. If you ask anyone from this town about the quality of the water, I know that only one word would describe it – “awful”.

For a progressive town like Neepawa we the citizens should have proper drinking water. Has anyone ever done a study on the high incidence of cancer in this area and its possible link to the drinking water?

Again, I feel that the present water supply should change to groundwater. Although the cost will be a factor, in the end it would be well worth it!

William and Beverley Dean We are very much in favour of the proposed change in Neepawa’s water source. Having just moved to this community some 2 years ago, one of the most disappointing aspects of living here has been the quality of the town water. Not only is the quality poor, but the cost of having the poor quality water is much, much higher than we expected. It also plays extreme havoc with all our appliances, water heater, etc. and the rings around the toilet caused by the sludge which creeps through the system are a housewife’s worst nightmare.

We were fortunate enough in our last municipality (Ritchot) to have a good water source for our town (St. Adolphe). Having struggled with well water for many years, we finally got good water and were very sad to leave it behind.

I know there are always dissenting voices who dislike change – those who say “it was good enough for my grandparents, therefore it is good enough for me, etc.” Surely, however, the important thing is that every community should have a good water source which doesn’t cost the earth to treat. We are fortunate that there is such a water source available to Neepawa. Let’s use it!

Rural Municipality of Langford The Council of the Rural Municipality of Langford are writing this letter regarding the application for the Neepawa and Region Water Supply Upgrade Project.

The Rural Municipality of Langford is a major stakeholder in this project as both wells identified in the application are in the RM of Langford.

While Langford has had some discussions with the Town of Neepawa and the Water Services Board, to try and come to a mutual agreement to date an agreement has not been reached and the quality of supply of water to the residents of the RM of Langford is the first priority of the municipality. The municipality understands the value of having this water supply for the region but the citizens of Langford must be protected and must not be negatively impacted.

Until such time as an agreement can be reached with the Town of Neepawa the issues of concern have to be resolved before the Rural Municipality of Langford can support this application.

Disposition:

No specific concerns were identified. A meeting with the R. M. was held to discuss concerns in more detail. The R. M. requested that baseline information be obtained on private wells in a larger area than suggested in the Proposal, and that assurances be provided that adversely affected residents could connect to alternate supplies at no cost to them or the R. M. It was also requested that additional water be allocated to the R. M. for the existing municipal water distribution system to accommodate potentially increased water use due to project impacts. It was noted that concerns raised by municipal residents in earlier consultation meetings should not have to be raised again in the assessment process.

Baseline monitoring can be addressed through licence conditions, and it was agreed to allow the R. M. of Langford and the R. M. of North Cypress to review the draft Environment Act Licence for the project. With respect to the agreement between the R. M. and the Town of Neepawa concerning the existing water distribution system, it was noted that while mitigation for adverse effects of water withdrawals is required under the Water Rights Act, the form of mitigation varies on a site to site basis, and specific requirements should not be specified in regulatory approvals before the details are known. Concerns identified in previous consultation meetings were included in the background material provided with the Proposal, and were addressed in the design of the project to the extent possible. Ongoing monitoring results from the project can be provided to the R. M. for information through a licence condition.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation – Sustainable Resource Management Branch

- The Biodiversity Conservation Section of the Wildlife & Ecosystem Protection Branch should have been contacted to determine if there are any known or suspected occurrences of S1, S2, or S3 ranked species at or near the proposed Hummerston and Oberon well sites and along the proposed pipeline route (particularly sections of the route adjacent to native prairie or aspen forest stands). Such species, although not all listed under MESA or SARA, are of special interest and disturbance of their habitat should be avoided.
- However, the proponent must understand that the absence of data in the CDC database in any particular geographic area does not necessarily mean that species or ecological communities of concern are not present. Since the occurrences of endangered species from the CDC database are based on minimal survey effort in the study area, the information should not be regarded as a final statement on the occurrence of any species of concern nor can it substitute for on-site surveys for species that will be affected by the development. It is the responsibility of the proponent to inspect all potentially affected sites prior to and during construction to determine if any listed species may be affected. The proponent needs to be aware that if rare or endangered species are present, removal or destruction of individuals or their habitat may be in contravention of Subsection 10(1) “Prohibition” of *The Endangered Species Act* (Manitoba). In addition, the federal *Species at Risk Act* prohibits any activities that kill or otherwise harm COSEWIC listed plant or animal species and prohibits destruction of their habitat. If species of concern are present, the proponent must contact the Biodiversity Conservation Section of the Wildlife and Ecosystem Protection Branch (Jason Greenall, 945-2912) to discuss possible mitigation options. Note: all proponents who conduct biological surveys in conjunction with their developments are asked to share that data with the Biodiversity Conservation Section. This will provide important updates to the Manitoba CDC database.
- A detailed plant survey is needed for the Hummerston well site and the pipeline route from the well site west to PTH 5. The proposal suggests that the flora of the well site is likely comparable to that of the Hummerston Units of the Whitemud Watershed WMA (located 5 km to the north and northeast). The species inventory of the WMA by Neily and Strutt (2000) found no species listed under MESA or SARA. This inventory was based on only two sampling transects, one was 400 m through a marsh habitat and the other was 600 m long through a riparian forest habitat. The WMA inventory did not include any prairie/grassland habitats and thus the inventory findings are not applicable to the proposed well site and the sections of the proposed pipeline route that are located in or adjacent to prairie habitat. Also, the WMA inventory did not identify some plant groups to the genus and species level (e.g. sedges, grasses, asters, willows). Lastly, although no MESA or SARA species were found during the WMA inventory, individuals of the SU ranked large-leaved violet (*Viola bland* var. *palustriformis*) and the S3 ranked showy lady’s-slipper (*Cypripedium reginae*) were observed. Measures should be taken to limit the potential impact on these species should they occur in the vicinity of the proposed well site or along the pipeline route.

Disposition:

These comments were provided to the proponent's consultant for information. The requirement for a rare and endangered species survey and appropriate follow-up in the areas of the wells and pipelines of the project can be addressed as a licence condition.

Manitoba Water Stewardship – Planning and Coordination

Manitoba Water Stewardship has reviewed the above proposal and submits the following comments for your consideration:

Fisheries Branch has reviewed this EAP. The proponent has indicated they will:

- HDD the crossings at Boggy Creek, Brookdale Drain and Stony Creek (if a crossing is required here).
- not use bentonite clay as a drilling medium in case of a frac out,
- adhere to the Federal Provincial Stream Crossing Guidelines and
- implement erosion and sediment control measures.

This should cover most of our concerns related to the crossings. We would still like to see an emergency frac out plan developed for this project and would want to ensure that erosion and sediment control measures along ROWs are implemented where there is the potential for sediment to enter surface waters. Our other concern is the high groundwater table and would assume that where the trenching is planned along the ROWs the groundwater table is deeper than trench depth of ~2.4 m.

Our other concern is with the groundwater drawdown. The reports indicate that approximately 60% of the total flow in Boggy Creek is from groundwater discharge and that the proposed pumping will reduce groundwater flow to Boggy Creek by about 8.5 %. It was estimated that under low flows this would result in a 4 mm decrease in Boggy Creek water levels. The consultant recommends the proponent should monitor groundwater wells when pumping. We feel this should also be tied into monitoring Boggy Creek surface water levels, flows and water chemistry (temperature and oxygen) below the Carberry Junction where groundwater flows are received.

There has been significant dollars invested in enhancing Brookdale Drain and Boggy Creek as well as the upper reaches of Stony Creek. We would not want to see these efforts minimized through stresses related to drawdown. As the Upper Whitemud West Sub Basin groundwater aquifer is now fully allocated we are also not sure what pressure users will be put upon managers to either increase the allocation or allow surface water withdrawals.

As mentioned in the report the aeration system that was installed in Lake Irwin to maintain water quality also allowed a sport fishery to be maintained. We encourage the Town to continue to operating this system.

As DFO has jurisdiction over habitat under the federal Fisheries Act, our comments do not take precedent over their review. As long as they are involved in reviewing this

proposal and manage fish habitat to meet the intent of their no net loss policy, provincial fisheries management interests should be met.

The proposal refers to new water source and construction of water pipelines. As per the Public Health Act, Regulation 331/88R (waterworks, sewerage and sewage disposal regulation) water distribution line extensions more than 300m and other components need certificate of approvals prior to construction. Office of Drinking Water should be contacted.

Section 2.3 indicates the present water treatment methods based on the current water source. It is unclear what will be the future water treatment methods. If the proposed process will generate wastewater because of the treatment, it should be noted.

Section 7.2.1 indicates the depth of the groundwater and its connection to several surface water bodies. Therefore, it is not clear whether the proposed groundwater is under the direct influence of surface water. The upcoming Drinking Water Safety Regulations under the Drinking Water Safety Act set conditions for these types of water sources. Office of Drinking Water can be contacted for further information.

Disposition:

These comments were provided to the proponent's consultant for information. Several of the comments can be addressed as licence conditions.

Historic Resources Branch No concerns.

Mines Branch No concerns.

Intergovernmental Affairs and Trade – Community Planning Services Branch

Our office has no concern with the proposed Town of Neepawa and Region Water Supply upgrade project.

In general the current Neepawa and Area Development Plan supports a good water supply for all land users in the area. It also supports the protection of the regional groundwater supply when considering development of all types. The new proposed Development Plan also supports this position for development.

It appears from the UMA Study that the groundwater is the only feasible way of providing the Town of Neepawa and surrounding rural area with a high quality water supply into the future as long as the ground water remains high quality.

The proposed infrastructure does not appear to create a concern from the land use perspective as long as all the Municipalities are involved with any construction works that would involve their existing infrastructure.

The R.M. of Langford Zoning By-law provides for public utilities and buildings as a use in the agricultural zones. There may be the need for the utility to obtain a parcel of land for each well site and easements for the pipelines along the road allowances.

Disposition:

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

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

Manitoba Infrastructure and Transportation (MIT) has reviewed the above-noted Environment Act Proposal as requested by T. Braun in a letter dated Jan. 16, 2007. The following comments were generated:

- A formal underground utility agreement would be required for all waterlines proposed within provincial road/highway right-of-way.
- Valves, clean-outs, vents, etc. should be placed at the extreme edge of the right-of-way.
- Directional boring would be required at all road crossings, residential driveways and paved accesses.
- Erosion control measures should be implemented where required to prevent run-off erosion within the right-of-way.
- Disturbed areas must be restored to original condition.
- The proponent should be aware of the Provincial Trunk Highway (PTH) 16 Functional Design Study thru Neepawa (ND Lea – November 2004). Detailed pipeline installation locations should be designed to accommodate the future upgrading of PTH 16 through Neepawa.
- A recent PTH 16 upgrade project (Minnedosa to Neepawa) involved extensive erosion control works. Any disturbance of these works would have to be repaired.

Department contacts were provided for the project

Disposition:

These comments were provided to the proponent's consultant for information.

Medical Officer of Health – Assiniboine and Brandon RHAs

1. Please ensure appropriate waste disposal as per existing environment regulations.
2. Dust, noise, gaseous and particulate emissions during construction may be a concern as may be the handling of gasoline products.
3. Please minimize the risk of surface or ground water contamination by fuel or chemical spills during construction.

Overall the upgrade from a surface water source to a less susceptible groundwater source is advantageous to the community.

Disposition:

These comments can be addressed through licence conditions.

Canadian Environmental Assessment Agency I have undertaken 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 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, I have not yet been able to determine whether the application of the *Canadian Environmental Assessment Act* will be required for this project. Fisheries and Oceans Canada (DFO) is still in the process of determining whether an environmental assessment (EA) under the CEAA will be required. Transport Canada requires that an application be submitted to the Navigable Waters Protection Program as soon as possible to determine the need for an Approval under the *Navigable Waters Protection Act*. An application and guide have been provided directly to the proponent for that purpose.

Environment Canada and Health Canada have provided written comments on the project (see attached letters). (Both Health Canada and Environment Canada indicated an interest in participating in the provincial assessment of the project.)

Health Canada The following comments are offered in accordance with the *Canada-Manitoba Agreement on Environmental Assessment Cooperation* as based on the review of selected sections of UMA Engineering's Environmental Act Proposal (EAP) dated November, 2006 as forwarded by your office:

- Section 8.0 indicates that blasting may be required. The potential for adverse effects to humans has not been assessed. It is strongly recommended that the EAP state that all provincial and federal guidelines regarding safe blasting operations must be followed to ensure worker safety, public safety and protect public/private property.
- The EAP does not adequately assess safety concerns regarding the proximity of construction activities to potential human receptors. This includes the potential for hazards such as excavations, heavy equipment use, blasting, increased traffic etc in areas of residences, schools, recreational areas etc. What measures will be undertaken to mitigate potential safety and health hazards (including noise) in these areas?
- It is not clear from the EAP what the expected quality of the combined source waters will be, and whether the existing will have the capacity/ability to treat the new water source to the required and desired level of quality (i.e. microbial, chemical and aesthetic).

- The EAP should describe the mitigation that will be undertaken to reduce/eliminate potential microbiological and chemical contamination from wells, distribution lines and associated equipment during commissioning.
- It is unclear whether the proponent will develop a comprehensive Wellhead Protection Plan for the operation and construction phases of the project to identify potential risks to the potable water sources (e.g. manure spreading/storage, pesticide use/storage, overland flooding), to mitigate any risks identified.
- What mitigation/contingencies are planned to prevent potable water and fire protection service disruption during commissioning?

Disposition:

Several of these comments can be addressed through licence conditions, or are addressed through other regulatory requirements. With respect to the existing water treatment plant, treatment standards are regulated and monitored through the Office of Drinking Water. As the water source is changing from surface water to groundwater, the quality of the raw supply will improve and the water treatment plant will be able to more easily meet treatment requirements.

Environment Canada

Environment Canada (EC) received a copy of the above proposed project document from the Canadian Environmental Assessment Agency (CEAA) for review. EC has no trigger under section 5, of CEAA, however, would like to participate in the provincial review of the proposed project consistent with the intent of Clause 59 of the expired and Clause 61 of the proposed new Canada-Manitoba Agreement on Environmental Assessment Co-operation.

Environment Canada has reviewed the above project description for proposed construction of year round, safe, dependable water supply to serve the needs of the area.

The project involves several components:

- Pumping wells and associated infrastructure;
- Main supply pipelines to the Neepawa water treatment plant (WTP); and
- The municipal and rural distribution network.

EC's interest relates primarily to our mandate under the *Migratory Birds Convention Act*, the *Species at Risk Act* and section 36(3) of the *Fisheries Act*.

EC provides the following comments:

This project does have the potential to affect a listed wildlife species and therefore the proponent is required to provide official notification of this project as per section 79(1) of the Species at Risk Act (SARA), to Environment Canada. Notification should be sent to Reg Ejeckam of Environment Canada.

Please note that this notification (see attached guidelines) is required whether or not the potential effects are positive or negative and whether or not the mitigation actions are actually completed.

The notification serves as a notice to Environment Canada that their expertise and a permit may be required.

In the event that the listed specie is encountered, all activity on the project must immediately cease and Environment Canada immediately contacted as a SARA permit will be required before any further work can proceed.

We agree with the trenchless method or the use of directional drilling for stream crossing which will prevent the potential violation of the Fisheries Act.

Reference #35 (p. 31) is wrongly attributed to Environment Canada.

Disposition:

These comments were provided directly to the proponent's consultant for information by the Canadian Environmental Assessment Agency.

ADDITIONAL INFORMATION:

No additional information is required to address public and TAC comments.

PUBLIC HEARING:

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

RECOMMENDATION:

All comments received on the Proposal have been provided to the proponent's consultant for information or can be addressed as licence conditions. Therefore, 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 Western Region.

PREPARED BY:

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