

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPOSANT:** Henry Sawatsky

**PROPOSAL NAME:** Gem Meadows Irrigation Project

**CLASS OF DEVELOPMENT:** Two

**TYPE OF DEVELOPMENT:** Water Development and Control

**CLIENT FILE NO.:** 5280.00

### **OVERVIEW:**

The Proposal was received on July 23, 2007. It was dated July 20, 2007. The advertisement of the Proposal was as follows:

“A Proposal has been filed by Henry Sawatsky of Gem Meadows Inc. to irrigate up to 210 ha (520 acres) annually. The project is located primarily north and northwest of Katrime, and would have a landbase of 963 ha (2380 acres). Approximately 320 dam<sup>3</sup> (260 acre-feet) of water would be applied annually. Half of the water would be obtained from Old Squirrel Creek during the spring and stored in an off-channel reservoir in SW 22-13-10W. The remainder of the water would be obtained from Pine Creek during the spring and stored in an off-channel reservoir in SE 25-13-11W.”

The Proposal was advertised in the Central Plains Herald Leader on Friday, August 3, 2007. It was placed in the Main, Millennium Public Library (Winnipeg), Eco-Network and Portage la Prairie City Library public registries, and in the office of the Rural Municipality of Westbourne as a public registry location. It was distributed to TAC members on July 26, 2007. The closing date for comments from members of the public and TAC members was September 4, 2007.

### **COMMENTS FROM THE PUBLIC:**

#### **Rural Municipality of Westbourne**

The first concern involves the location of the pipeline needed to feed the reservoir. Council requires clarification as to the location of the aforementioned pipeline.

Secondly, council wants to ensure that a water rights licence is in place prior to proceeding with work on this project.

It is also the responsibility of council to ensure that all ratepayers have equal opportunity to access the water supply. The concern is that if this project proceeds others along the line may experience water shortages.

The R.M. Council recognizes the importance of off-channel reservoirs but at the same time must ensure certain stipulations be met.

Disposition:

Clarification provided respecting the location of the pipeline. The requirement for a Water Rights Licence can be addressed through licence conditions.

**Whitemud Watershed Conservation District** The Board reviewed the information at its most recent meeting held Aug. 16, 2007. At that time the following motion was passed:

That the Board approve, in principle, the project based on off-channel water storage component that is consistent with WWCD policy. An agreement between the proponent and District will be required to cross and/or bury and/or temporarily install waterlines and pumping stations within District right-of-way for Old Squirrel Creek, Pine Creek and Golden Drain.

Disposition:

This information was provided to the proponent.

**COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

**Manitoba Conservation – Regional Operations – Central Region**

- 1) The licence should include the requirement that the project must comply with the terms of M.R. 188/2001, Storage and Handling of Petroleum Products and Allied Products Regulation.
- 2) The bulk storage and transfer of petroleum products used during the project should be more than 100m from surface water bodies.
- 3) The proposal indicates that groundwater monitoring is not considered necessary for this project but then says that groundwater monitoring can provide long-term data on effects of a project on groundwater quality. The proposal also suggests that “Any monitoring is best done by Provincial agencies that have the ability to collect, analyse and correlate the data with other monitoring sites around the Province.” The proponent should be made responsible for any groundwater monitoring required for the project and be required to submit the results to the Manitoba Water Stewardship and Manitoba Conservation.

Disposition:

These comments can be addressed through licence conditions.

**Manitoba Conservation - Sustainable Resources Branch**

- Approval is subject to necessary Crown Lands Act allocation where applicable. In respect of Crown Land, no land tenure is granted by way of an environmental approval. Applicant must apply for applicable Crown Lands Act Permit/Lease which will be subject to the standard Crown Land & Property Agency review process.
- The proponent has obtained information from Manitoba Conservation Data Centre (CDC) on plant and wildlife species, listed as special conservation concern, threatened or endangered under MESA or COSEWIC, which may occur in the Lake Manitoba Plain Eco-region. The possibility of these species occurring at the proposed project areas ranged from very low to medium-high. It is the responsibility of the proponent to inspect all potentially affected sites prior to and during construction of the reservoirs to determine if any listed species may be affected. Information from CDC is based on minimal survey effort in the study area and it 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. 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) (MESA). In addition, for species listed under the federal *Species at Risk Act*, the 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 (Ronald Hempel, 945-6998) 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.
- Killing or harming migratory birds and disturbance, destruction or taking of their nests or eggs is prohibited under the Migratory Birds Convention Act. The proponent is responsible for ensuring that no migratory birds will be harmed and no active nests of migratory birds will be destroyed as a result of the development. If migratory birds or their nests may be harmed by this development, the proponent must contact the Canadian Wildlife Service for further direction.

**Disposition:**

These comments can be addressed through licence conditions.

**Manitoba Water Stewardship – Planning and Coordination**

- The proponent needs to apply for a water rights license from the Water Licensing Branch of Manitoba Water Stewardship,
- *The Water Rights Act* suggests that no person shall control water or construct, establish or maintain any water control works unless he or she holds a valid license to do so. Water control works are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert borehole or

contrivance for carrying or conducting water, that temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage, OR changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage.

- If the proposal in question advocates any of these activities, please apply for a Water Rights License to Construct Water Control Works. Application forms are available from any office of Manitoba Water Stewardship.
- Due to the risk of increased runoff following irrigation and/or fertigation, nutrient management should include phosphorus in addition to nitrogen. It is recommended that in addition to no nitrogen, no phosphorus should be applied to soils in the fall.
- Reducing the application of unnecessary phosphorus is crucial because excessive phosphorus can build up in the soil and potentially runoff into surface water. Manitoba is proposing to include phosphorus as a nutrient by which fertilizer application through manure, inorganic fertilizer, or municipal waste sludge to agricultural lands may be limited. The Province of Manitoba is committed to reducing nutrient contributions to Lake Winnipeg to 1970s levels.
- All of the identified land should have a soil-test phosphorus concentration of less than 60 ppm (Olsen sodium bicarbonate extraction) prior to nutrient application and irrigation. If soil tests reveal that phosphorus concentrations are above 60 ppm, then fertilizer should be applied based on residual soil-test phosphorus concentrations. Fertilizer application should not occur on lands with a soil-test phosphorus concentration of greater than 180 ppm.

Fisheries Branch has the following concerns with this proposal:

- The proposal indicates adherence to the end of pipe screen requirements for withdrawals from Pine Creek during April 1 – May 31. These requirements are for the protection of anguilliform fish 25mm and larger. During the spring period most of fish eggs and larva are much smaller than 25 mm. We request that the clause recently used in other irrigation licenses, which reflects the need for the proponent to change their screening requirements if it is deemed necessary, be included for this proposal.
- The proposal indicates that no screen is required for the intake at Old Squirrel Creek unless it is determined at a later date that it is required, as the area in question does not directly provide spawning, rearing, foraging or over wintering habitat for fish. Given the conclusion of low fish utilization and habitat was based on no fish information in provincial and federal databases and a one day site visit in early April, the responsibility lies on the proponent to prove that this area is not utilized by fish. Until so, we feel the proponent should be required to screen according to DFO's screening guidelines. As screening falls under DFO's jurisdiction, our comments do not supersede their review and recommendations.
- The proposal indicates adherence to minimum instream flow values provided by Water Stewardship. To our knowledge this value has not been calculated. While the withdrawals, including the existing licencing requirements appear to be minimal, there needs to be some assurance in the allocation, until a MIF is determined, that this and the accumulative impact of these withdrawals does not further infringe on the

hydrograph (volume, duration, magnitude and timing), the flows needed to maintain channel forming flows (2 of 3 maximum instantaneous flows) as well as overbank flooding and downstream water availability.

- Finally at what point will irrigation projects be deemed non-sustainable when roughly 57% of this project area has moderate to moderate severe limitations that restrict the range of crops or require special conservation practices and the identification of existing salinity development in some of the project area is not only currently difficult to manage but the risk of further development is difficult to mitigate. Some of the practices - surface drainage to mitigate inundation of crops due to flooding, improved surface and/or tile drainage to manage salinity - are often at the expense of natural resources – water and the aquatic biota.

Disposition:

These comments can be addressed through licence conditions.

**Historic Resources Branch**      No concerns.

**Mines Branch**      No concerns.

**Manitoba Infrastructure and Transportation**      No concerns.

**Canadian Environmental Assessment Agency**      I have undertaken a survey of federal departments with respect to determining interest in the project noted. I can confirm that the project information provided has been distributed to all federal departments with a potential interest. Based on the responses to the federal survey, the application of the Canadian Environmental Assessment Act (the Act) will be required for this project. Agriculture and Agri-Food Canada (AAFC) has advised that it may be providing funds for the project and, therefore, it will be required to conduct an environmental assessment under the Act. Transport Canada may also be required to conduct an environmental assessment, but requests additional information. Relevant responses are enclosed.

The Department of Fisheries and Oceans is prepared to provide specialist advice upon request and is also interested in participating in the provincial review of the project.

As the project requires a review under both provincial and federal environmental assessment legislation, a joint process under the Canada-Manitoba Agreement on Environmental Assessment Cooperation will be required.

**ADDITIONAL INFORMATION:**

Additional information was requested on September 6, 2007 to address the comments of Transport Canada. The requested information will be provided directly to Transport Canada.

**PUBLIC HEARING:**

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

**RECOMMENDATION:**

All comments received on the Proposal pertaining to environmental issues 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 Central Region.

**PREPARED BY:**

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