

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Beaver Creek Farms Ltd.
PROPOSAL NAME: Beaver Creek Farms Irrigation Project
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 5337.00

OVERVIEW:

The Proposal was received on April 7, 2008. It was dated April 3, 2008. The advertisement of the proposal was as follows:

“A Proposal has been filed by Beaver Creek Farms Ltd. to irrigate up to 162 ha (400 acres) annually. The project would consist of two blocks – one northwest of Katrime and one south of Katrime, and would have a landbase of 834 ha (2060 acres). Up to 162 dam³ (200 acre-feet) of water would be diverted annually during the spring runoff period from Pine Creek and stored in an offstream reservoir in SE 30-13-10W for later irrigation in the north block. Up to 121 dam³ (150 acre-feet) of water would be diverted annually during the spring runoff period from Squirrel Creek and stored in an offstream reservoir in NW 34-12-10W for later irrigation in the south block. Construction of the reservoirs would be undertaken in 2008, with operation beginning in 2009.”

The Proposal was advertised in the Central Plains Herald Leader on April 19, 2008. It was placed in the Main, Millenium Public Library, Eco-Network and Portage la Prairie Library public registries. The Proposal was distributed to TAC members on April 14, 2008. The closing date for comments from members of the public and TAC members was May 30, 2008.

COMMENTS FROM THE PUBLIC:

Whitemud Watershed Conservation District WWCD concerns are that the intake in District drains comply with our Policy. A signed Letter of Understanding stating the appropriate conditions is required.

PUMPING FROM DISTRICT DRAINS

The Conservation District is responsible for man-made drains as specified on the sub-district maps. Any development which could have an adverse impact must include conditions to ensure the integrity of the drain is maintained.

1. No works to be undertaken prior to receiving signed Letter of Understanding from the District, stating appropriate conditions.
2. Upon approval from Water Use Licencing for allocation the Board will allow pumping from District drains.
3. No open cuts will be allowed unless authorized by the Board.
4. If electrical cables are to be used they must not be exposed above ground to main panel.
5. Top dyke must have a minimum of 10 ft. within area of pumping infrastructure.
6. Sump pump may be installed to a maximum 10 ft. x 10 ft. x 3 ft. with 3:1 rip-rapped side slopes.
7. Pumping area must be properly marked with highly visible bollards.
8. Temporary equipment must be removed immediately after pumping ceases.

Disposition:

This information was provided to the proponent.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Sustainable Resource Management **Branch** No concerns.

Parks and Natural Areas No comments.

Wildlife and Ecosystem Protection Branch

- As stated in the proposal, the Conservation Data Centre (CDC) database indicates that two S3-ranked species (Yellow Stargrass – *Hypoxis hirsute*, Craue’s Sedge – *Carex crawi*) may occur on the southern portion of the project area. While neither of these species is listed as protected, the S3 ranking does indicate that they are uncommon in the province and thus are of concern in terms of conservation. With this in mind, any disturbance should be confined strictly to the agricultural fields identified in the project area.

- The proponent should be aware that since many areas of the province have not been thoroughly surveyed, 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. The information provided by the CDC should therefore 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 impacted by the development. It is the responsibility of the proponent to inspect the project area prior to and during construction to determine if any rare or endangered species may be impacted. 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 habitat for these species. If species of concern are present, the proponent must contact the Biodiversity Conservation Section of the Wildlife and Ecosystem Protection Branch to discuss possible mitigation options well in advance of any disturbance.
- The pipeline route from Squirrel Creek to the proposed reservoir at the South Fields project area should be clearly shown on the aerial photos and maps provided in the proposal.
- Although the proposal indicates that the pipeline to the South Fields will be established along existing road right-of-ways and ditches, it appears that it will also cross some grassland habitat (assuming the pipeline will run due east from Squirrel Creek to the proposed reservoir). The proposal should include a description of the vegetation in this grassland area. It is important from a conservation perspective to know, for example, whether this grassland area is undisturbed native prairie, pasture land, non-cultivated (but previously disturbed) agricultural land, etc.
- In order to further minimize possible impacts on native species, disturbances related to the pipeline placement such as tree, shrub, and ground cover removal should be kept to an absolute minimum in order to maintain any remnants of natural habitat that remain in the area.
- The seeding of areas disturbed by construction should be done with a seed mix containing native grasses and forbs. Species colonization and growth in disturbed areas should be monitored to assess the success of re-vegetation efforts.
- The proponent should also be aware that 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.

Environmental Services

No concerns.

Manitoba Water Stewardship

- *The Water Rights Act* indicates 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, application for a Water Rights License to Construct Water Control Works is required.
- During construction of the development, erosion and sediment control measures should be implemented until all of the sites have stabilized.
- The proponent needs to apply for their water rights licences.
- The Department has reviewed this proposal for water withdrawal from Pine Creek at SE 30-13-10 W to an off-stream storage reservoir (200 ac-ft capacity) and from Squirrel Creek (intake location unknown) to an off-stream storage reservoir (150 ac-ft capacity) at NW 34-12-10 W. The proposed period of withdrawal is within the peak runoff between April 1st to May 31st.
- The proposal lacks detail on potential and accumulative impacts of spring withdrawals on Pine and Squirrel creeks.
- The proposal indicates adherence to the end of pipe screen requirements for withdrawals from Pine Creek during April 1st – May 31st with through screen velocities not to exceed 0.038 m/s. This withdrawal timeframe still infringes on the spring spawning window for southern Manitoba (April 1st – June 14th). This is a very time sensitive period due to the potential to impinge/entrain spring spawning fish eggs and larvae. The *Environment Act* Proposal indicates adherence to the end of pipe screen requirements for withdrawals. However, these screening requirements are for the protection of fish 25mm and larger. This does not address many spring spawning fish eggs and larvae (e.g. walleye eggs are ~1.5-2.1 mm and fry are 5.8-8.7 mm).

- The proposal indicates adherence to In-stream Flow Values provided by Manitoba Water Stewardship. It appears In-stream Flow Values have not been calculated for either creek. The proponent needs to consult with Manitoba Water Stewardship to ensure that in the allocation, until In-stream Flow Needs are determined, this withdrawal and the accumulative impact of all other 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. Until In-stream Flow Needs are determined, the Department requests that the withdrawal does not exceed 10% of the instantaneous stream flow at these sites.
- The *Environment Act* licence should include requirements that in either creek, during low flow years, water withdrawal would not be allowed if minimum In-stream Flow Needs would be compromised. This would mean water would not be available from the creeks during this time. A temporary alternative supply would be needed until flow in the creeks could satisfy In-stream Flow Needs.
- Given a number of conditions and/or proposed project mitigation (through screen velocities not to exceed 0.038 m/s, reduction of intake to meet In-stream Flow Needs) relies on the proponent's ability to track flow and volume. The Department needs assurances that the proponent has this capacity. Otherwise, these are not likely achievable.
- Appropriate measures are conducted to ensure applied nutrients to fields are not lost to surface waters with snow melt or rainfall runoff. Mitigation measures to protect water quality outlined in the proposal mainly deal with soil disturbance and on nitrogen use. Phosphorus is also a major concern for surface water issues. The plan outlines some good beneficial management practices. In addition to these, other recommendations include;
 - not only making producers aware of BMPs in Reference 10 of the report, but an *Environment Act* licence should require appropriate BMPs to be included in an irrigation management plan;
 - any fertigation that occurs near surface water bodies should increase the setbacks over those required under the Nutrient Management Regulation to ensure wind drift of irrigation spray does not incidentally enter water. This is most critical on the southern edges of sections SW30-13-10W and SE30-13-10W that border Pine Creek;
 - soil phosphorus residual values should be kept to under 60 ppm P for long-term management;
 - irrigation should not occur during rainfall events, especially if fertigation is conducted;

- Provisions should be included in an *Environment Act* licence that allows a requirement for the proponent to undertake water quality or other monitoring related to this operation if it is determined to be needed in future.

Disposition:

Most comments can be addressed through licence conditions. Some comments were forwarded to the proponent for information.

Mines Branch

No concerns.

Highway Planning and Design Branch

Based on the assessment, a component of the proposed irrigation project may impact Provincial Road (PR) 350. In this regard, we wish to submit the following concerns and conditions:

- All permits and agreements for the installation of the proposed pipelines through the road right-of-way (R.O.W) are required. MIT prefers that an underground agreement be obtained prior to tendering any proposed installation.
- The proponent is responsible in restoring all excavated areas within the affected right-of-way to the original condition prior to the construction.

For your reference, provided herewith are the Statutory Regulations pertaining to the conditions mentioned above:

"Any new, modified or relocated access connection onto PR 350 requires a permit from Manitoba Infrastructure and Transportation. A permit is also required from our department for any construction above or below ground level within 38.1 m (125 ft.) of these PR or to place any planting within 15.2 m (50 ft.) from the edge of the right-of-way of this highway. In addition, a permit is required from the Department of Manitoba Infrastructure and Transportation for any planting placed within 15.2 m (50 ft.) from the edge of the right-of-way of this highway."

For further information regarding the Accesses and Structures within Highway and Control Areas, you may contact:

(Contact was provided)

Likewise, for the Highway Right-of-Way, the contact persons are the following:

(Contacts were provided)

Kindly ensure that the proponent of this project is informed with these requirements and conditions. If you have other concerns and clarifications, please do not hesitate to contact us.

Disposition:

Comments were forwarded to the proponent for information and 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 with this letter.

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 (CEAA) will be required for this project. Transport Canada (TC) requires additional information to determine whether or not an environmental assessment under the CEAA will be required.

TC requested the following information:

1. Details regarding the location of any proposed works in, on, over, under, through or across any navigable waterways; including a latitude and longitude or map illustrating the location.
2. Characteristics of the waterways (include depth, width, length, natural and man-made obstruction etc.)
3. A description of all proposed works affecting any navigable waterway (including temporary works).
4. Details regarding proposed construction methods (e.g. use of temporary bridges, cofferdams, etc.)
5. Proposed construction schedule

Agriculture and Agri-Food Canada (AAFC) wishes to participate in the provincial review. Fisheries and Oceans Canada (DFO) also wishes to participate, and provided a letter of advice to the proponent. Environment Canada indicated that implementation of the proposed mitigation measures will address its concerns.

Disposition:

TC's information request was forwarded to the proponent. TC, AAFC, DFO and CEAA will be included on the TAC for the project.

ADDITIONAL INFORMATION:

Additional information was requested to address Transport Canada's request on June 2, 2008. The response will be provided directly to Transport Canada.

PUBLIC HEARING:

As no public concerns were identified, a public hearing is not recommended.

RECOMMENDATION:

All provincial comments received on the Proposal can be addressed as licence conditions, or have been forwarded to the Applicant's representative for information. Information needed to complete the federal assessment process has been requested and will be provided directly to the interested department. Therefore, it is recommended that the Development be licenced 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:

Holly Poklitar

Environmental Assessment and Licensing - Environmental Land Use Section

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Telephone: (204) 945-8702 Fax: (204) 945-5229

E-mail: holly.poklitar@gov.mb.ca