

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPOSER: Sun Gro Horticulture Canada Ltd.
PROPOSAL NAME: Julius Lake South Bog
CLASS OF DEVELOPMENT: Class 2
TYPE OF DEVELOPMENT: Mining
CLIENT FILE NO.: 4505.0

OVERVIEW:

An Environment Act Proposal, dated February 21, 2000, respecting a peat mining proposal submitted by Sun Gro Horticulture Canada Ltd., was received by the Department on February 24, 2000.

Sun Gro proposes to develop a peat bog located on parts of Section 23, 24, and 26, Township 11, Range 9 EPM, within the R.M. of Reynolds. The bog is referenced as the Julius Lake South Bog. In addition, the Proposal includes the development of an access/haulage road to the site and the construction of a drainage ditch from the bog which would lead to a natural drainage route that discharges into the Brokenhead River.

The Proposal was advertised in the Beausejour Review on March 20, 2000. As well, copies of the Proposal were placed in Public Registries at: the Environment Library (Main) in Winnipeg; the Centennial Public Library in Winnipeg; Manitoba Eco-Network; and the Brokenhead River Regional Library. The closing date for the receipt of public comments was specified as April 14, 2000.

Copies of the Proposal were also sent to the applicable members of the interdepartmental Technical Advisory Committee for their review and comment by no later than April 14, 2000.

COMMENTS FROM THE PUBLIC:

Thirty-three persons responded to the advertised Proposal. The comments can be summarized as follows:

- 30 people requested that a public hearing be held.
- 2 people requested just a meeting with Sun Gro.
- 1 person merely expressed concern about the proposed drainage south to Hazel Creek.

The concerns can be summarized as follows:

- concerns were expressed about the proposed use of Hazel Creek as an alternate drainage route because some downstream residents draw their domestic water supply from Hazel Creek;

- concerns were expressed about the quantity and quality of any drainage water proposed to be directed to Hazel Creek;
- one resident complained that the alternate drainage route into Hazel Creek would cause the drainage water to flood part of his property, and would affect the

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- operation of his wood lot and the wildlife that find sanctuary on their land;
- concerns were expressed about the fate of the plant and animal life that resides in the bog;
- more information on the proposal by Sun Gro was requested by way of a town meeting;

Disposition

Copies of all the received comments were placed into the public registries, with copies presented in person to the Proponent on April 19, 2000. The Proponent withdrew the proposed alternative drainage route to Hazel Creek from the Proposal on April 26, 2000. All persons who had requested a public hearing were contacted in writing by the Director and were requested to indicate if they still demanded a public hearing, and if not, if they would be interested in a public or open house meeting organized by Sun Gro. The verbal and written response was mixed. Some were satisfied that a public meeting would be held, some said that they would reserve their opinion on the need for a public hearing until after the public meeting, and the local Manitoba Metis Federation indicated that they wanted a public hearing.

At the Director's urging Sun Gro hosted a public meeting on the evening of June 21, 2000, at the Ste. Rita Community Club. All persons who had made a submission to the department respecting this proposal were invited in writing to attend the meeting. The main issues raised at the meeting centered around the impact that the drainage of the water from the bog might have on the elevation of the local water table. Some people feared that their wells might go dry or that they may have to drill deeper for their water. Sun Gro's consultant attempted to allay these fears but with limited success. Also, the public was upset to learn that the department has not been monitoring Sun Gro's and other peat mining operations in their area.

Following the public meeting, the Director sent a letter on June 28, 2000 to each member of the public who had requested a public hearing in response to the advertisement of Sun Gro's Proposal. They were asked to confirm whether, in view of the information provided at the public hearing, they still were of the conviction that a public hearing was necessary. A null reply by July 17, 2000 was expressed to mean no. From among the 30 persons who originally requested a public hearing, 6 persons responded in writing to insist that a public hearing should still be held. Their reasons are as follows:

Gerald Scharien

- 1) "to receive more information on monitoring the environmental impact that Sun Gro will have on the bog and drainage area";

- 2) "to have a qualified biologist monitor the impact of this peat mining on the heron rockery";
- 3) "to have a qualified biologist study the impact of other flora and fauna in the mining area"; and
- 4) "to have water Resources input into water quality being drained into the Brokenhead River water shed".

Betty Rodway

"I need information, answers to questions like: what is your, the Clean Environment Commission's role regarding environmental issues surrounding Julius Lake South Bog? How do you plan to monitor the company, making sure that they comply to proper land use?"

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Sam and Beryl Robbins

- 1) Sun Gro and the Department representative "provided little factual support for statements made. This led us to believe that your department is not fulfilling its obligations and doing sufficient appropriate research into companies who wish to alter the current environment".
- 2) Sun Gro "used environmental examples from overseas and other provinces but provided no environmental impact facts specific to this area".
- 3) "The general tone of the meeting of the meeting was somewhat condescending in that the people running the meeting felt as though we should not be questioning their actions or statements but should accept them at face value. This attitude generates serious concern about the viability of this project and the actual impact it will have on the environment".
- 4) "We were told at the meeting by Mr. Moche that the Area Inspector was far too busy to spend time checking on the operations of Sun Gro and if we wished to have this information, we should do our own research".
- 5) "The lack of concern demonstrated by your department's representative makes us feel that your department is not fulfilling its responsibilities to the taxpayers of this province as well as future generations who will be impacted by this project".

Andy and Madeleine Pelletier

- 1) "The problem we still have is the Province's inability to monitor Sun Gro's operation at Julius".
- 2) "Who would monitor the on site standards"?
- 3) "If we could be assured, from the Province, of more stringent monitoring of this operation then we no longer need a hearing".
- 4) "If the only way to obtain necessary funding and staffing to ensure proper monitoring of Sun Gro's operation is to hold a public hearing, we would request this be done".
- 5) "Our beef is not with Sun Gro, but rather the Province's lack of ability to ensure proper environmental protection".

It should be noted that Sun Gro also provided a submission on July 17, 2000 in opposition to the notion that a public hearing may be required. They argue that:

- 1) Sun Gro has established through communication with various stakeholders that the preponderance of the stakeholders do not wish a public hearing. It is only a small minority of individuals.
- 2) No substantial purpose will be served by holding a public hearing.
- 3) A public hearing would create substantial costs to both Sun Gro and the Department, and would delay employment creation.
- 4) Most issues of concern were addressed at the public meeting, and Sun Gro committed itself to determine the existence of any orchids in the bog area.
- 5) Issues raised by Clem Moche at the meeting and in correspondence have been addressed.
- 6) The issues raised at the public meeting do not seem to be of the sort to require a public hearing according to the criteria for such a meeting outlined in The Environment Act.
- 7) The main concern of the public present at the public meeting concerned the existence of monitoring by the government and the integrity of that monitoring. This is an issue that is the responsibility of the department and is beyond what could be achieved at a public hearing.

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COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Rural Development commented that the Proposal complies with the Whitemouth River Planning District Development Plan., and that there is no zoning by-law in effect within the R.M. of Reynolds.

Mines Branch commented that the Quarry Minerals Regulation MR 65/92 under The Mines and Minerals Act regulates mining activity including peat. The requirements of Manitoba Regulation 65/92 should be included in the drafting of the environment licence.

Disposition

MR 65/92 is referenced in the draft licence.

Policy Co-ordination Branch commented initially that because the Whitemouth and Birch Rivers are the only rivers in Manitoba in which three species of fish (northern brook lamprey, roseface shiner and honeyhead chub occur, precautions should be taken to ensure protection of these rivers.

Additional comments were later provided by the Eastern Region:

- The proponent should make arrangements with the forestry staff to obtain the Timber Permit and Work Permit, etc., for removing timber, and to salvage merchantable timber.
- The region has no objection to the preferred access route, but a 250-metre buffer must be maintained between the access road Right-of-Way and the heron rookery.

- The region agrees with gating the newly constructed road at the turnoff point from the forestry road.
- The proponent does not indicate where the clay and gravels for the road bed will come from. The proponent should contact the regional staff before any new borrow pits are opened up.
- More detail is required on the intended road reclamation plan.
- Sun Gro should understand that the upkeep of the existing forestry road that the proponent proposes to upgrade and use will be the responsibility of the proponent.
- The region strongly supports the proponent's preferred drainage route.
- The region agrees with the goal of the proposed restoration program, but more detail is required. It is understood that a separate Closure Plan must be filed with and approved by the Mines Branch, in consultation with Manitoba Conservation.
- Some recommended conditions should be:
 - water levels to be restored to pre-mining levels;
 - a minimum of one metre of peat to be left at the bottom of the mined bog;
 - a buffer zone of 100 metres of original vegetation to be left under the periphery of the mined area;
 - restoration to occur progressively from the periphery of the bog as harvesting continues; and
 - restoration to include seeding and/or transplanting of higher plant species, in addition to the other techniques noted in the proposal.

Additional comments were later provided by the Wildlife Branch:

- Two rare orchids are known to occur within 2 km of the proposed site. It is therefore expected that other occurrences may also be found within or nearby the site. The Proposal does not address the impact of lowering the water table upon occurrences of rare orchids near the mining site, nor does it address the

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impact upon the vegetation of an increase in water levels in the adjacent fen to which the drainage water will be directed.

- We recommend a complete botanical inventory within and around the project area, with the inventory carried out in June and July.
- We recommend that the water table be monitored in the fens on the east side and on the south side of the project area at distances of 50m, 100m, 200m, 500m and 2000m from the peat mining site, prior to trench excavation, during operations and for two years after operations cease.
- Any attempt to salvage orchids or rare plants should be conducted in consultation with the Eastern Regional Wildlife Manager.

Disposition

The comments were referred to the proponent for their information. The proponent's responses to the comments were forwarded to the Policy Coordination Branch. Where possible, the concerns and recommendations have been addressed in the draft licence.

Manitoba Highways & Government Services stated that they have no objections to the Proposal, but commented that:

- Sun Gro should be prepared to provide estimates of the anticipated numbers and types of trucks that will be turning to and off PTH 15 at the East Fire Road intersection; and
- Sun Gro should be informed of the permit requirement for any modifications to the East Fire Road intersection at PTH 15 (from the Highway Traffic Board).

Disposition

The comments were referred to the proponent for consideration and response. The proponent's responses to the comments were taken into consideration in the formulation of the draft Licence.

Terrestrial Quality Management commented:

- How many years will the bog be harvested before it is depleted?
- What is meant in Section 5.2.2 by the statement "Thus if the effect on water quality is minor for some areas immediately downstream of the peatland development site, then the effect on Brokenhead River will be less by 0.0024."
- The proposal uses numerous examples of effluent quality from drained bogs in Europe, Minnesota, and Alberta. Are there no data available in regard to the effluent quality of bogs currently being harvested by the proponent?
- The proposed monitoring parameters should be expanded to include: temperature; total suspended solids; total phosphorus; total Kjeldahl nitrogen; nitrate-nitrite; dissolved oxygen; total zinc; total organic and inorganic carbon; and colour.
- The proponent should provide an estimate of the effluent flow from the bog, and a measure of the volume of water released from the bog on a monthly basis.
- It is strongly recommended that the construction of the access road not take place during the normal heron breeding and nesting period.

Disposition

The comments were referred to the proponent for consideration and response. The proponent's responses to the comments were taken into consideration in the formulation of the draft Licence.

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Canadian Environmental Assessment Agency (CEAA) commented that the application of the Canadian Environmental Assessment Act with respect to this project will not be required. Some agencies included some comments and queries:

- The proposal does not have a plan to verify that the groundwater drawdown effects will be negligible at distances of no more than 60 m. from the drainage ditches.
- Given the lack of monitoring data presented by Sun Gro from their other local operations, more frequent monitoring of the water quality at the four proposed monitoring sites should be provided.

- Will water quality parameters be included in the E.A. Licence, and be monitored by Manitoba Conservation?
- Details on reclamation procedures for the settling ponds should be provided.

Disposition

The comments were referred to the proponent for consideration and response, where applicable. The proponent's responses to the comments were taken into consideration in the formulation of the draft Licence.

PUBLIC HEARING:

In consideration of the requests made by the public for a public hearing on the Proposal, the Director issued his decision to the objectors on the matter on August 4, 2000, stating that he decided not to recommend to the Minister that he cause the Clean Environment Commission to hold a public hearing. He stated that his reasons were:

- 1) any Environment Act Licence issued will address environmental requirements including monitoring requirement; and
- 2) the June 21, 2000 public meeting provided adequate opportunity for information exchange on the Proposal.

No appeal was submitted in respect of the Director's decision.

RECOMMENDATION:

A draft Environment Act Licence, authorizing the construction and operation of the proposed Development is attached for the consideration of the Director of Environmental Approvals. It is recommended that the licence, if approved, be assigned to the Eastern-Interlake Region for administration, surveillance, monitoring, ongoing compliance evaluation and enforcement responsibilities.

PREPARED BY:

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