

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Keller & Sons Farming Ltd.
PROPOSAL NAME: Keller & Sons Farming Ltd. Irrigation Project
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 5134.00

OVERVIEW:

The Proposal was received on August 15, 2005. It was dated July 29, 2005. The advertisement of the proposal was as follows:

“A Proposal has been filed by Keller and Sons Farming Ltd. to irrigate up to 890 ha (2200 acres) annually. The project land is located south of Shilo on Sections 30, 31 and 32-8-16W and 5 and 6-9-16W, and previously has been irrigated with water from the Assiniboine River. Approximately 1234 dam³ (1000 acre-feet) of water would be applied annually, using water obtained from the Assiniboine River obtained at a location approximately 2 km downstream of Provincial Road 340 in NW 30-8-16W.”

The Proposal was advertised in the Brandon Sun on Saturday, September 24, 2005. It was placed in the Main, Eco-Network, St. James-Assiniboia City Library, and Western Manitoba Regional Library (Brandon) public registries. It was distributed to TAC members on September 16, 2005. The closing date for comments from members of the public and TAC members was October 21, 2005.

COMMENTS FROM THE PUBLIC:

Sam Hofer In the Sept 24th edition of the Brandon Sun I see a Notice of Environment Act Proposal File # 5134.00. This in my opinion is a useless exercise what your dept is going through and is just another way for someone justifying their employment.

The reasons I am saying that is that back in 1996/97 yourself and Mr.Strachan were notified by concerned residents in the RM of Cornwallis about a water retention pond (old gravel pit) that was being proposed for drainage in very near proximity of a community well and right on top of an aquifer. Back then Yourself, Mr. Strachan, and all other personnel from the Environment Dept in Brandon neglected to get involved about the creation of a retention pond which was contrary to the Act. We got a memo saying it is to small of a THING. Today this small THING (retention pond) has created a major

problem in the RM of Cornwallis and has flooded basements in the development called Birdel Acres. House basements had 31" of water in them because of a gravel pit being turned in a retention pond that did not work. No one back then had the heart or brains to listen to the residents of Chater that the THING will not work. Looking back now your Dept had the power to stop this stupid idea of allowing houses to be built in a gravel pit.

I hope this Notice is not just a waste of tax payers money and that you are not just going through the motions in the process. I hope your dept will listen, and act on concerns if there are any for this project. It is unfortunate that this process was not followed back in 1996 when the THING (retention pond) was built. Today 10 families would be enjoying life allot more instead of worrying if this problem can be fixed.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation – Sustainable Resource Management

1. Page 26 of the proposal, states: “There are no municipal, provincial or federal parks in or about the area of the proposed irrigation project.” This is incorrect. Criddle/Vane Homestead Provincial Park is located in SE5-9-16W and in NE32-8-16W. The park is thus surrounded on three sides by Fields 14, 15, 16 and 17 of the proposed irrigation project. A proposed pipeline also comes up to, and a centre pivot for project Field 17 is located at, the northwest corner of the park. Further, part of the Assiniboine Corridor Wildlife Management Area (WMA) in SE30-8-16W lies along the southern boundary of Field 11b of the proposed development. Both the provincial park and the WMA are protected areas.
2. How will the project facilities and structures avoid encroaching on the boundaries of the provincial park since cropping and irrigation activities are prohibited within it?
3. What mitigation is planned to ensure that the experience of park visitors is not negatively impacted by the project’s operation. Such factors as noise associated with irrigation, irrigation spray drift into the park, drift of pesticides, fertilizers, etc. need to be addressed.
4. The license should include a clause that would restrict the location of any motorized pump to be secure and away from the water, and that the construction of this pump include safety provisions to prohibit any spilled fuel from entering the Assiniboine River.
5. The proponent should note that there are freshwater spring complexes along the Assiniboine River at approximately 6 km west and 10 km east of PR 340 that support populations of smooth monkey-flower (*Mimulus glabratus*). This species is nationally rare and Manitoba’s Endangered Species Advisory Committee has recommended that it be listed as threatened. If a freshwater spring occurs at or near

the location of the pumping station on the riverbank, the potential exists for the presence of a smooth monkey-flower population. It is very important to the survival of this species to prevent disturbance of the hydrology of the springs and to avoid damaging the unique vegetation community that is associated with springs. If this species does occur at the site, the proponent should contact the Biodiversity Conservation Section at the number listed below to discuss possible mitigation options.

6. It is the responsibility of the proponent to inspect the site to determine if any listed species may be impacted. The proponent needs to be aware that if rare or endangered species are present, removal or destruction of the species or their habitat may be in contravention of Subsection 10(1) "Prohibition" of The Endangered Species Act (Manitoba). If species of concern are present, the proponent must contact the Biodiversity Conservation Section of the Wildlife and Ecosystem Protection Branch (Nicole Firlotte, 945-6998) to discuss possible mitigation options.

Note: Since many areas of the province have never been thoroughly surveyed, the absence of records of other listed species in this area does not mean that other species or ecological communities of concern are not present. The information 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.

Disposition:

Additional information to address Items 5 and 6 was requested. The remaining items can be addressed as licence conditions.

Historic Resources Branch No concerns.

Mines Branch No concerns.

Petroleum Branch No concerns.

Highway Planning and Design No concerns.

Manitoba Health - Assiniboine and Brandon Regional Health Authorities – Medical Officer of Health Monitoring of groundwater is addressed in Section 6 of the document. Monitoring of domestic wells should be included in the proposal as well.

Disposition:

Domestic well monitoring can be addressed as a licence condition.

Manitoba Water Stewardship As pointed out in the supporting documents to the submission, the dominant soil type within the proposed irrigation area is the Wheatland soil series which has a Class 5M agricultural capability and is rated as Class 4 for Irrigated Potato Suitability. These are very coarse soils with low moisture retention and high leaching potential and are underlain by medium to coarse sands and gravels forming a portion of the Assiniboine Delta aquifer. Nitrate has been detected in water samples from a number of provincial monitoring wells lying to the north and west of the proposed spread fields, including detections in samples from wells screened to depths in excess of 20 m below ground. This indicates that nutrient leaching to the water table and transport within the groundwater system is an active process in this area although the source(s) of nitrate in the groundwater system has not been determined.

Due to the risk of increased runoff following irrigation and based on the above information, nutrient management should also include phosphorus. Reducing the application of unnecessary nitrogen and phosphorus is crucial.

The proponent has put forward a number of operational measures which are intended to limit nutrient leaching from irrigated farming in this area. While these measures, if implemented and carried out, would likely reduce the amount of nutrient leaching, the coarseness of the soils and their low water retention would undoubtedly allow some significant degree of leaching even under well managed conditions. However, the amount of leaching and its impacts on the local groundwater quality and cumulative impact on the groundwater/surface water environment is impossible to predict.

Vegetation along the Assiniboine River should be re-seeded, where removed during the placement of the pipeline. This vegetation should be maintained to minimize nutrient runoff and erosion. In addition, backflow mechanisms should be in place to assure that there is no backflow of fertilizer into the Assiniboine River.

A Water Rights License would be required. This license will accommodate the Instream Flow Needs and address the timing of water withdrawal.

Disposition:

These comments can be addressed as licence conditions.

Manitoba Intergovernmental Affairs and Trade - Community Planning Services

As an introductory comment, it is my understanding that this proposal has actually been constructed and operating for some time, and that the proposal is being pursued in order to formalize the license for the water supply.

1. Municipal Approvals - The proponent should seek the approval of the municipality for the installation of any pipelines which are to be located within the rights-of-way of municipal roads, as they represent a structure located in the right-of-way which is under municipal jurisdiction (unless this has already been done). According to Policy 7 of PART I of the Cypress Planning District Development Plan, the

proponent should also obtain a development permit for the irrigation facilities from the local development officer.

2. Flood Risk - If possible, any pumping facilities should be located above the 100 year flood level of the Assiniboine River.
3. Shelter Belts - I have noted a recommendation at the bottom of page 14 regarding the establishment of shelter belts around the perimeter of the fields. The municipality may have some concerns about this, as the shelterbelts may contribute to significant snow drifting problems along municipal roads. This is a matter that should be brought to the attention of the council, and considered in more detail. As an alternative to establishing the shelter belts around the perimeter of the fields, perhaps some consideration could be given to shelter belts around the circular irrigated areas.
4. Monitoring - Based on the sensitivity of the soil and groundwater conditions in this area, I would think that a high level of monitoring would be appropriate, in order to safeguard the aquifer water quality.

If the appropriate authorities are satisfied that this proposal will be sustainable over the long term, and will not have a significant detrimental effect on water quality in the aquifer and water flow in the river, then I would have no concern with the issuance of a license.

Disposition:

These comments can be addressed as licence conditions or forwarded to the licensee for information.

Canadian Environmental Assessment Agency I have completed a survey of federal departments with respect to determining interest in the project noted. I can confirm that the project information provided has been reviewed by all federal departments with a potential interest. I am enclosing copies of the relevant responses for your file.

Based on the response to the federal survey, I have not yet been able to conclude whether the application of the Canadian Environmental Assessment Act (the Act) will be required for this project. Fisheries and Oceans Canada (DFO) has yet to complete their review of the project information. However, Darryl Chudobiak of DFO has told me informally that the department will require some clarification regarding what I understand to be Phase 1 of this project (already completed) and Phase 2 of the project (proposed but not yet constructed). I understand that DFO is in contact with the proponent to sort this issue out, but suggest that you also should be part of that discussion.

With regard to the responses that I have received from other federal departments that have been surveyed, I can report that no other federal department is required to complete an assessment under the Act. Note however that PFRA has responded that the

department has specialist advice that may assist in the review of this project. Please let me know if you wish to pursue this assistance.

ADDITIONAL INFORMATION:

Additional information was requested concerning the vegetation issue identified by the Sustainable Resource Management Branch of Manitoba Conservation. As the project is currently in place, the proponent and consultants suggested that a vegetation survey was not necessary. However, a survey is needed to verify that no endangered species are impacted by the project, and to assist in the development of a mitigation plan if endangered species are found. Accordingly, this matter will be addressed in a licence condition.

PUBLIC HEARING:

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

RECOMMENDATION:

All comments received on the Proposal that require follow can be addressed through 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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