

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Rural Municipality of Woodlands
PROPOSAL NAME: Rural Municipality of Woodlands Water Distribution System

CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Transportation and Transmission - Pipelines

CLIENT FILE NO.: 5758.00

OVERVIEW:

The Proposal was received on February 27, 2015. It was dated February 23, 2015. The advertisement of the proposal was as follows:

“The Manitoba Water Services Board has filed an Environment Act Proposal on behalf of the Rural Municipality of Woodlands for the construction and operation of a water distribution system serving the communities of Warren and Woodlands. The project would involve the installation of approximately 23 km of 150 mm distribution pipeline from Grosse Isle to Warren and Woodlands along PTH 6, the expansion of the existing reservoir in Warren and the construction of a new underground concrete reservoir in Woodlands. Warren currently has a water distribution system using groundwater, and Woodlands currently uses individual wells for water supply. Water is supplied to Grosse Isle from the Cartier Regional Water Cooperative’s St. Eustache water treatment plant. Construction of the water distribution system would take place in 2016-2017 subject to the availability of funding.”

The Proposal was advertised in the Stonewall Argus and Teulon Times and in the Stonewall/Teulon Tribune on Thursday, April 2, 2015. It was placed in the online public registry, the Legislative Library and the Millennium Public Library (Winnipeg) public registries. The Proposal was distributed to TAC members on April 2, 2015. The closing date for comments from members of the public and TAC members was May 1, 2015.

COMMENTS FROM THE PUBLIC

No public comments were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Manitoba Conservation and Water Stewardship – Environmental Programs and Strategies Branch, Air Quality Section

The proposal is not expected to have a significant impact on air quality provided that the measures cited are implemented.

Manitoba Conservation and Water Stewardship – Lands Branch

No comments/concerns.

Manitoba Conservation and Water Stewardship – Lands Branch, Land Management and Planning Section

No concerns as no Crown lands are proposed to be impacted by the project.

Manitoba Conservation and Water Stewardship – Parks and Protected Spaces Branch

No comments or concerns.

Manitoba Conservation and Water Stewardship – Wildlife Branch

The Wildlife Branch has reviewed the Environment Act Proposal for the RM of Woodlands Water Distribution System (File # 5758.00) and would like to express the following concerns:

- 1) The proposal does not include the species of concern request from the Manitoba Conservation Data Centre that most other Environment Act Proposals contain. Multiple patches of *Endangered* rough agalinis (*Agalinis aspera*) occur within the project area, yet have not been identified in the proposal. This species is protected both provincially under the *Endangered Species and Ecosystems Act* and federally under the *Species at Risk Act* (see below for more details).
- 2) The proposal states the following:

“Potential effects to vegetation are considered to be negligible”
(4.0 Potential Environmental Effects, 4.6 Vegetation).

The proposed project may have severe negative effects on *Endangered* rough agalinis in the area, depending on the placement of the associated distribution line and reservoirs. The exact locations of this infrastructure is not identified in proposal, so the Wildlife Branch cannot advise with any certainty that this species will or will not be affected. The majority of known rough agalinis patches in the area occur in the northeast ditch of Hwy 6 between Grosse Isle and Woodlands, and our suggestion would be that the pipeline be installed in the southwest ditch.

We also would need to know the exact location of the proposed reservoirs to determine any potential impacts that construction may have.

- 3) The proposal also states the following:

“Re-establishment of vegetation will occur as soon as possible on disturbed areas. Impacts to wildlife habitat can be limited by minimizing the area of construction, soil disturbance and vegetation disturbance.” (5.0 Environmental Management Measures, 5.5 Vegetation and Wildlife)

Based on the above noted endangered species concerns, this project will require a more in-depth management plan. The Wildlife Branch is willing to work with the proponent to develop an adequate site plan and mitigation measures.

- 4) We’d like to express our concerns with the information that was used to assess the wildlife community in the study area:

“Characteristic mammals in the Prairies Eco-zone include mule deer, elk, coyote, pronghorn antelope, badger, white-tailed jack rabbit, Richardson’s ground squirrel and the northern pocket gopher. The main bird species include ferruginous hawk, Swainson’s hawk, American avocet, burrowing owl, great blue heron, black-billed magpie, northern oriole, veery and brown thrasher (National Ecological Framework Report). The CLI classification for this area is 4 to 5 which indicates there is slight to moderately severe limitations to waterfowl production (Agriculture and Agri-Food Canada).” (3.0 Physical Environment, 3.5 Wildlife Habitat and Vegetation)

The Prairies eco-zone is broad area, and any assessment should discuss wildlife communities at the eco-region and/or eco-district level, since species distribution and abundance can vary throughout such a large area. Many of the ‘characteristic’ species mentioned, including mule deer, pronghorn antelope, burrowing owl, and ferruginous hawk, do not occur within the study area. Furthermore, the above noted species are all listed provincial under the *Endangered Species and Ecosystems Act*, so if they were in fact characteristic of the study area, there should have been mention of species-at-risk status and any concerns about potential impacts of the project.

Please be advised that rough agalini is listed as *Endangered* under both Manitoba’s *Endangered Species and Ecosystems Act* and by the *Committee on the Status of Endangered Wildlife in Canada (COSEWIC)* receiving protection under Canada’s *Species at Risk Act*:

[The Endangered Species and Ecosystems Act](#)

Endangered species

8(1) Where the Lieutenant Governor in Council determines that a species indigenous to Manitoba is threatened with imminent extinction or with extirpation throughout all or a significant portion of its Manitoba range, the Lieutenant Governor in Council may, by regulation, declare the species an endangered species.

Prohibition

10(1) No person shall

- (a) kill, injure, possess, disturb or interfere with a member of an endangered species, a threatened species, or an extirpated species that has been reintroduced;
- (b) destroy, disturb or interfere with the habitat of an endangered species, a threatened species or an extirpated species that has been reintroduced; or
- (c) damage, destroy, obstruct or remove a natural resource on which an endangered species, a threatened species or an extirpated species that has been reintroduced depends for its life and propagation.

Offence and penalty

13(1) A person who contravenes a provision of this Act is guilty of an offence and is liable on summary conviction,

- (a) in the case of an individual, to a fine of not more than \$50,000 or imprisonment for a term not exceeding six months, or both; and
- (b) in the case of a corporation, to a fine of not more than \$250,000.

Species at Risk Act

“endangered species” means a wildlife species that is facing imminent extirpation or extinction.

MEASURES TO PROTECT LISTED WILDLIFE SPECIES

GENERAL PROHIBITIONS

Killing, harming, etc., listed wildlife species

32. (1) No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.

Damage or destruction of residence

33. No person shall damage or destroy the residence of one or more individuals of a wildlife species that is listed as an endangered species or a threatened species, or

that is listed as an extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada.

OFFENCES AND PUNISHMENT

Offences

97. (1) Every person commits an offence who

- (a) contravenes subsection 32(1) or (2), section 33, subsection 36(1), 58(1), 60(1) or 61(1) or section 91 or 92;
- (b) contravenes a prescribed provision of a regulation or an emergency order;
- (c) fails to comply with a term or condition of a permit issued under subsection 73(1); or
- (d) fails to comply with an alternative measures agreement that the person has entered into under this Act.

Penalty

(1.1) Every person who commits an offence under subsection (1) is liable

- (a) on conviction on indictment,
 - (i) in the case of a corporation, other than a non-profit corporation, to a fine of not more than \$1,000,000,
 - (ii) in the case of a non-profit corporation, to a fine of not more than \$250,000, and
 - (iii) in the case of any other person, to a fine of not more than \$250,000 or to imprisonment for a term of not more than five years, or to both; or
- (b) on summary conviction,
 - (i) in the case of a corporation, other than a non-profit corporation, to a fine of not more than \$300,000,
 - (ii) in the case of a non-profit corporation, to a fine of not more than \$50,000, and

(iii) in the case of any other person, to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Disposition:

Additional information was requested concerning the location of the pipeline within the provincial trunk highway right-of-way. A vegetation survey can be required as a licence condition.

Manitoba Conservation and Water Stewardship – Water Science and Management Branch, Groundwater Management Section

Is there any way to include in the EA that houses currently on private wells be required to seal their existing well when they are connected to the municipal water source? The reason being that these wells generally saved for backup(?) or yard watering are forgotten about and go into disrepair; properties change hands etc. and they get “lost” then as the casings rot out act as conduits to the aquifer.

Disposition:

This comment can be addressed as a licence condition.

Manitoba Conservation and Water Stewardship – Office of Drinking Water

The EAP notes that all applicable Provincial Legislation and Requirements will be fulfilled. I would note that a Permit to Construct or Alter a Public Water System, as called for in *The Drinking Water Safety Act*, will be required before this project can be constructed. Apart from this point, I found no other cause for concern in the EAP respecting drinking water safety or quality.

Disposition:

The need for a Permit to Construct or Alter a Public Water System was identified to the proponent’s consultant.

Manitoba Conservation and Water Stewardship – Water Use Licensing

We have no concerns about the project as the EAP indicated that treated water for the project will be provided from the St. Eustache Water Treatment Plant. The owners of this plant, the CWP Limited Partnership, hold a valid water rights licence with sufficient allocation to accommodate this expansion without requiring an amendment to their licence.

Manitoba Conservation and Water Stewardship – Water Control Works and Drainage Licensing

The *Water Control Works and Drainage Licensing Section* recommends the following:

- 1) All works are constructed in accordance with *Fisheries and Oceans Canada - Operational Statements*.
- 2) The construction schedule avoids critical fisheries time periods of April 15th to June 15th.
- 3) The timing of construction is aimed at eliminating, reducing, or preventing erosion.
- 4) Construction activities are suspended during wet conditions, and performed only during low or no-flow periods.

Please remind the proponent that any water control works (drains, culverts, dykes, dams, etc.) associated with this project will require licensing under the *Water Rights Act* – an application is attached for the proponent's convenience. Any inquiries in this regard may be directed to the local *Water Resource Officer*. Their contact information may be found at:

http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/areas_of_focus_jan_23_12.pdf

Disposition:

Construction recommendations can be addressed through licence conditions. The information concerning water control works licensing was provided to the proponent's consultant for information. The project is not anticipated to affect local drainage.

Manitoba Infrastructure and Transportation - Highway Planning and Design Branch, Environmental Services Section

MIT has reviewed the proposal under the *Environment Act* noted above and we have the following comments:

- Depending on which side of PTH 6 and where proposed route joins with other pipelines, it may impact some of the native revegetation MIT conducted near Woodlands.
- The Proponent should also be advised about the native plants that grow wild along PTH 6, especially the Rough Agalinis in the stretch from Grosse Isle to Woodlands, which MIT has taken measures to avoid and/or transferred to a nearby community pasture.
- We would suggest that all disturbed areas be seeded with native plants so as not to undermine the efforts MIT put into native revegetation of the site.
- We would like to remind the Proponent that permits are required from the Highway Traffic Board (for PTH's) or MIT (for PR's) for:
 - o any new, modified or relocated access to a PTH/PR;
 - o any structures (including advertising signs, wells, septic fields, etc.) on, under or

- o above the ground within the Controlled Area adjacent to a PTH/PR;
- o discharging of water or other liquid materials into a ditch of a PTH/PR; or
- o placing any trees or plantings within 15.2 metres (50 feet) of the edge of right-of way of any PTH/PR.
- An underground utility agreement with MIT will be required for any utility installation crossing or within the right-of-way of any PTH/PR. Proposals should be submitted to MIT for review and approval prior to start of construction.

Should you have any questions on MIT's native revegetation efforts in the area, you may contact Carol Churchward, MIT Biologist, at (204) 799-1205 or at Carol.Churchward@gov.mb.ca.

For permit applications and/or utility agreements, please contact Wes Turk, Regional Planning Technologist, at (204) 870-2239 or at Wes.Turk@gov.mb.ca.

Disposition:

Additional information was requested concerning the location of the pipeline in the provincial trunk highway right-of-way. Several of these comments can be addressed through licence conditions. MIT permitting requirements were provided to the Proponent's consultant for information.

Manitoba Municipal Government – Community and Regional Planning Branch

(comments received May 6, 2015; not included in public registry package.)

No concerns to the approximately 23 km of pipeline to be installed along PTH 6 from Grosse Isle to Warren and on to Woodlands; with a pump house and 315 m³ reservoir to also be constructed in Woodlands.

The proposed water distribution line will cross through land designated *Agricultural Area* and *Urban Area* under the RM of Woodlands Development Plan, with a small fraction being *Rural Residential* (along the NW side of PTH 6. NW of Warren).

The proposed water distribution line is to be installed along public Road Allowances and PTH Right-of-Ways with some private easements to facilitate construction if necessary.

Development Plan Policy 2.3.3 *Utilities Policies*, provides for public and private utilities in any land use designation subject to requirements in the RM of Woodlands Zoning Bylaw.

Under the RM of Woodlands Zoning Bylaw, *Public Utilities*, by definition, are listed as a Permitted Use in all zones.

Public Utility means a system furnishing water, sewage collection, electricity, telecommunications services, gas, or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way.

Canadian Environmental Assessment Agency

There are two sections of the Regulations Designating Physical Activities which deal with the creation or expansion of a reservoir. These are:

4. The construction, operation, decommissioning and abandonment of a new dam or dyke that would result in the creation of a reservoir with a surface area that would exceed the annual mean surface area of a natural water body by 1 500 ha or more.
5. The expansion of an existing dam or dyke that would result in an increase in the surface area of the existing reservoir of 50% or more and an increase of 1 500 ha or more in the annual mean surface area of the existing reservoir.

After reviewing the EAP for this water distribution system, the two reservoirs will be 650 m³ and 380 m³ respectively, which will not be greater than the thresholds in the above. Therefore, CEAA 2012 does not apply to this proposal, and the Agency will not have further involvement.

ADDITIONAL INFORMATION:

Additional information was requested on May 6, 2015 concerning the placement of the pipeline in the right-of-way of PTH 6. The attached response dated May 22, 2015 was received on May 25, 2015. The response indicates that the pipeline will be installed on the south and west side of PTH 6, rather than on the more sensitive north and east side. As well, the proponent will work with Wildlife and Manitoba Infrastructure and Transportation to protect rare and endangered species and revegetate disturbed areas.

PUBLIC HEARING:

As no public comments requesting a hearing were filed, a public hearing is not recommended.

CROWN-ABORIGINAL CONSULTATION:

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right of that First Nation, Métis community or other Aboriginal community.

The proposal involves the installation of approximately 23 km of buried pipeline on road allowances in an agricultural area, and two underground treated water reservoirs. Water for the system will be supplied from the Cartier Regional Water Cooperative using the community of Grosse Isle reservoir with no expansion. Since resource use is not

affected by the project, it is concluded that Crown-Aboriginal consultation is not required for the project.

RECOMMENDATION:

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 Regional office (Selkirk) of the Environmental Compliance and Enforcement Branch.

PREPARED BY:

Bruce Webb, P. Eng.

Environmental Approvals Branch – Land Use and Energy Section

May 25, 2015

Tel: (204) 945-7021 Fax: (204) 945-5229 e-mail: bruce.webb@gov.mb.ca



May 22, 2015

Environmental Approvals Branch
Manitoba Conservation and Water Stewardship
123 Main Street, Building #1218
Winnipeg, MB R3C 1A5

ATTENTION: Mr. Bruce Webb
Water Development and Control Assessment Officer

Re: **RM of Woodlands Water Distribution System Project File No. 5758.00**
Reply to Comments Received

Dear Mr. Webb:

The Manitoba Water Services Board (MWSB) has responded to comments from the Technical Advisory Committee (TAC) regarding the RM of Woodlands Water Distributions System Environment Act License Proposal by supplying the additional information:

1. Response to comments from Manitoba Conservation and Water Stewardship – Wildlife Branch:

Due to the presence of endangered species of concern the MWSB is willing to work with the Wildlife Branch to develop adequate site plans and mitigation measures.

It is anticipated that the water pipeline from Grosse Isle to Woodlands will be installed on the southwest ditch of Hwy 6. This will mitigate potential impacts to the *Endangered* rough agalinis (*Agalinis aspera*) in the highway right-of-way which occurs predominantly in the northeast ditch. The pipeline will connect to an existing 150 mm pipeline at the junction of PR 321 along the southwest ditch of Hwy 6.

The exact location for the reservoirs located in the Communities of Warren and Woodlands has not been determined. However MWSB will consult with the Wildlife Branch regarding any proposed locations prior to construction and prepare a Management Plan if required.

2. Response to comments from Manitoba Conservation and Water Stewardship – Office of Drinking Water:

The EAP notes that all applicable Provincial Legislation requirements will be fulfilled and as such a Permit to Construct or Alter a Public Water System will be acquired prior to project construction.

3. Response to comments from Manitoba Conservation and Water Stewardship – Water Control Works and Drainage Licensing:

Licensing for any water control works associated with this project will be attained.

4. Response to comments from Manitoba Infrastructure and Transportation (MIT) – Highway Planning and Design Branch, Environmental Services Section:

As stated previously the pipeline will be installed in the southwest ditch in order to mitigate impacts to endangered species. The MWSB will consult and work with regulatory bodies regarding native revegetation.

All permits and agreements with MIT will be attained prior to project construction.

Construction will comply with the requirements of the Environment Act Licence as stipulated. If you require further information, please contact the undersigned.

Sincerely,



Dee Genaille, P.Eng., M.Sc.
Design Engineer

c: Travis Parsons, Chief Engineer, MWSB
Ms. Lynn Kauppila, CAO, RM of Woodlands