

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Manitoba Aboriginal and Northern Affairs
PROPOSAL NAME: Waterhen to Meadow Portage Water Pipeline
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Transportation/Transmission - Pipelines
CLIENT FILE NO.: 5326.00

OVERVIEW:

The Proposal was received on February 20, 2008. It was dated January, 2008. The advertisement of the proposal was as follows:

“A Proposal has been filed by Genivar Ltd. on behalf of Manitoba Aboriginal and Northern Affairs for the construction and operation of a water pipeline from the recently upgraded Waterhen water treatment plant to the existing Meadow Portage water treatment building. The project would involve the installation of 21 kilometres of 100 mm pipeline along the road allowance of PR 276 and PR 328 between the communities. The pipeline would provide for community use in Meadow Portage over a 20 year period. Construction is proposed for 2008.”

The Proposal was advertised in the Dauphin Herald on Tuesday, March 11, 2008. It was placed in the Main, Millenium Public Library, Eco-Network and Dauphin Public Library public registries. The Proposal was distributed to TAC members on March 4, 2008. The closing date for comments from members of the public and TAC members was April 7, 2008.

COMMENTS FROM THE PUBLIC:

Lillian De-La-Fuente Letter to Reg Meade and Northern Association of Community Councils Board of Directors (Forwarded via fax):

Attention:

President Reg Meade and NACC Board of Directors

I am writing as a concerned resident of Spence Lake. Our community council has asked over the years to improve or upgrade the Spence Lake Road.

As more cottagers moved into our area to retire, the road is being used more often. Many people use this road to take a short cut to Winnipeg when they Go through The Narrows to highway 6.

Every time the council made a request, they were told that there is no money to upgrade

Spence Lake Road

This is why I am writing to you. Recently I read the Dauphin newspaper and found out that a water pipeline is being built from Waterhen to Meadow Portage. This is going to cost an unbelievable amount of money. Many people here agree with me. Our community has shared services with Meadow Portage. We think it would be better to just upgrade the Meadow Portage Water Treatment Plant. In Spence Lake we cannot dig wells. We are situated on salt flats. In fact we need a Water Treatment Plant in the Spence Lake Area. There are more people here, and the need is greater. This whole plan was decided by a few bureaucrats, and a few council members in Waterhen and Meadow Portage. The people at our end were not informed properly.

On April 22, 2008 at 1:00 P.M a meeting will finally be held at the Spence Lake Council Board room. Apparently the deadline to object to the plan was April 9th, 2008. I only found out by reading a newspaper two weeks before that date.

Why didn't they hold a meeting with our local people before they proceeded with this plan. We need good drinking water like everyone else. We shouldn't have to pay to get water hauled to our community.

Furthermore, some people who might want to be connected to this pipeline will have to pay \$30,000.00. At least that is what they are quoting. This is outrageous. Who can afford this kind of money where we are living.

I hope someone from the board can come to this meeting on April 22.

Disposition:

Comments were forwarded to the proponent for information.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Sustainable Resource Management Branch

- Under Section 3.1 Impacts on Wildlife, the proponent notes that 'construction of the pipeline in early summer has the potential to disturb some wildlife species, including nesting migratory birds'. 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. The proponent must make sure that construction does not occur during breeding season so that migratory birds and their nests are not disturbed. In particular, the two breeding locations of western grebe that occur in the general area of the pipeline route should be avoided. If migratory birds or their nests may be harmed by this development, the proponent must contact the Canadian Wildlife Service for further direction.
- It is the responsibility of the proponent to inspect all potentially affected sites prior to and during construction to determine if any listed plant, bird or animal species may

be affected. Information from MB 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). 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 (Contact was provided) 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 MB CDC database.

Disposition:

Comments can be addressed through licence conditions.

Western Regional Operations Office in Dauphin

No comments.

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.
- This project will require a Water Rights Licence as the daily average water use exceeds 25,000 litres per day.
- It appears that the major stream crossing will occur at the Waterhen River at Waterhen. The Department recommends the development of an Emergency Response Plan in the event of a “frac-out.”
 - The Department recommends that if there is any change to the proposed directional (horizontal) drilling, stream crossing method, the proponent will be required to consult with the Regional Fisheries Biologist at Manitoba Water

Stewardship and Department of Fisheries and Oceans Canada, prior to proceeding.

- A specific requirement of any *Environment Act* Licence should direct the proponent to comply with the following:
 - The requirements pursuant to *The Drinking Water Safety Act*:
 - Application for a Permit to Construct/Alter a Public Water System;
 - Submission of a detailed engineering package; and,
 - Approval of the project prior to any work commencing.
- The following technical issues should be reviewed with the Approvals Section of the Office of Drinking Water, as soon as possible, to avoid conflicts with tendering, budgeting, scheduling, and to expedite the approval process pursuant to *The Drinking Water Safety Act*:
 - The proposal makes generic reference to design considerations, pipeline construction, pipeline connection, and pipeline installation in Sections 2.2, 2.3, and the Additional Information Section (page 5). There will be a requirement to provide more detail to allow a review and permitting pursuant to *The Drinking Water Safety Act*, such as: detailed drawings, specifications, design brief, and summary of key design parameters.
 - Although there is a review of water demand and system capacity, there is no mention of the capability of the Waterhen plant to meet chemical, physical, and bacteriological water quality requirements of *The Drinking Water Safety Act* and its regulations. This should be confirmed with respect to the proposed additional load to be placed on this system.
 - On Page 3 of the Additional Information Section, it is noted that the Waterhen reservoir will not meet the projected peak day demands in 2022. It should be confirmed that this is an acceptable operating constraint.
 - It is noted in the Additional Information Section that the existing reservoir capacity at Waterhen does not include an allowance for fire storage (page 3) and that the existing Meadow Portage water system does not support fire protection (page 1). It should be confirmed with the client and the Office of the Fire Commissioner that this is an acceptable system constraint.

Disposition:

Most of these comments can be addressed through licence conditions. The need for a Water Rights licence and technical issues to be reviewed with the Office of Drinking Water will be noted to the proponent.

Historic Resources Branch No concerns.

Mines Branch No concerns.

Petroleum Branch No concerns.

Highway Planning and Design Branch

- The Manitoba Water Services Board, the Department of Aboriginal and Northern Affairs and the Community of Meadow Portage must submit additional information before the Department will enter into a utility agreement for placing pipelines within Departmental right-of-way. Impacts on the provincial highway system cannot be determined until detailed profiles and cross-sections for highway ditch burials and crossings are submitted.
- Erosion control measures that are to be employed would also be of interest, where trenching in creek valleys in the highway ditch. The utility agreement would require that Departmental right-of-way be restored to an acceptable condition.
- Since deep burial will be required (i.e. 2.4 m plus), there is concern about potential groundwater blowout in the highway ditch in some locations.
- The proponents are advised to contact regional staff in these regards:

The proposed project is located adjacent to Provincial Road 276 and Provincial Road 328.

For information, we attach the regulations affecting these lands. Statutory Regulations

Any new, modified or relocated access connection onto PR 276 and PR 328 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's, or to place any planting within 15.2 m (50 ft) from the edge of the right-of-way of these highways.

- Contacts in these regards are as follows:

(Contacts were provided)

Disposition:

Comments were forwarded to the proponent for information and can be addressed through licence conditions.

Community Planning Services Branch No comments.

Medical Officer of Health – Parkland RHA No concerns.

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, the application of the Canadian Environmental Assessment Act (the Act) will be required for this project. Western Economic Diversification (WD) has advised that it may be providing funds for the project through the Canada-Manitoba Infrastructure Program (CMIP), and, therefore, it will likely be required to conduct an environmental assessment under the Act.

Transport Canada (TC) requires additional information to determine whether or not an environmental assessment under the Act will be required. Fisheries and Oceans Canada (DFO) wishes to participate in the provincial review, and forwarded relevant Operational Statements to the proponent, indicating that electronic versions are available online at DFO's website. Health Canada is willing to provide specialist advice if requested.

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). Preliminary design details should be provided if available.
4. Details regarding proposed construction methods (e.g. use of temporary bridges, cofferdams, etc.)
5. Proposed construction schedule

Disposition:

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

ADDITIONAL INFORMATION:

Additional information on water system use was requested from the proponent on February 28, 2008. This information was submitted on the same day and distributed to TAC.

Additional information was requested to address Transport Canada's request on April 16, 2008. The response 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 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 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:

Holly Poklitar

Environmental Assessment and Licensing - Environmental Land Use Section

April 16, 2008

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

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