

## Project Summary

**PROPONENT:** Pembina Valley Water Cooperative Inc.  
**PROPOSAL NAME:** Pembina Valley Water Cooperative  
Supplemental Groundwater Supply System

**CLASS OF DEVELOPMENT:** Two  
**TYPE OF DEVELOPMENT:** Water Development  
**CLIENT FILE NO.:** 5156.00

### OVERVIEW:

The Proposal was received on December 14, 2005. It was dated December 12, 2005. The advertisement of the proposal was as follows:

“A Proposal has been filed by the Pembina Valley Water Cooperative Inc. for the construction and operation of a supplemental groundwater supply system to augment its surface supplies on the Red and Boyne rivers. The system would obtain water from a well with a capacity of 50 litres per second located in SE 22-5-9E, which is adjacent to PR 404 in the Sandilands Provincial Forest. A 12 inch diameter pipeline would be constructed along provincial road and highway rights of way from the well to the Cooperative’s existing water treatment plant in Morris. The pipeline route would follow PR 404 south to PTH 12, PTH 12 west and north to PR 403, PR 403 west to PTH 59, PTH 59 north and west to PTH 23, and PTH 23 west to Morris. The total pipeline length would be 95.3 km. Construction of the system is proposed for the summer and fall of 2006.”

The Proposal was advertised in the Steinbach Carillon on Thursday, January 5, 2006, and in the Emerson Southeast Journal on Tuesday, January 3, 2006. It was placed in the Main, Eco-Network, Winnipeg Public Library and Jake Epp Public Library (Steinbach) public registries. The Proposal was distributed to TAC members on December 19, 2005. The closing date for comments from members of the public and TAC members was January 30, 2006. Due to the Christmas holiday schedule of one the newspapers, the advertised deadline in that newspaper was extended to February 6, 2006. Accordingly, the later February 6 deadline was referenced in any responses to inquiries from members of the public and TAC members.

### COMMENTS FROM THE PUBLIC:

Comments were received from 27 individuals and organizations, including the Seine-Rat River Conservation District, the rural municipalities of La Broquerie, Piney, Whitemouth and Reynolds, the City of Steinbach, the Buffalo Point First Nation, and several environmental organizations. A petition was also received. Several of these submissions requested a public hearing on the project.

**COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

Comments were received from Manitoba Conservation – Sustainable Resource Management, Manitoba Water Stewardship, the Historic Resources Branch, Mines Branch, Petroleum Branch, Highway Planning and Design Branch, and Medical Officer of Health for the Central Manitoba RHA. Federal comments were received from the Canadian Environmental Assessment Agency and Environment Canada.

**PRELIMINARY REVIEW:**

No Technical Advisory Committee (TAC) issues were raised that required additional information. All public and TAC comments were placed on the public registries on February 16, 2006.

**CLEAN ENVIRONMENT COMMISSION HEARING:**

On the basis of the number and nature of public comments, the Minister of Conservation requested a Clean Environment Commission hearing on the project pursuant to Section 6(5) of the Environment Act. The Minister's request to the Commission was dated May 26, 2006. Due to the Minister's request, no recommendation on this matter was made by the Director pursuant to sections 11(9) and 11(10) of the Act.

Upon notification of the hearing, the Director sent a letter on June 2, 2006 to all interested members of the public advising of the upcoming hearing, and providing contact information for the Commission.

After reviewing all project information supplied by the Environmental Assessment and Licensing Branch, the Commission required additional information to fully understand the project. This information was provided by the Pembina Valley Water Cooperative to the Commission on September 8, 2006.

Following a review of the additional information, the Commission held the hearing in Friedensfeld (near Steinbach) on November 7 and 9, 2006. The Director of the Environmental Assessment and Licensing Branch attended the entire hearing to hear all information and concerns presented. The Commission's report on the hearing, dated February 2007, was released by the Minister on February 14, 2007. It is available on the Commission's website.

**CLEAN ENVIRONMENT COMMISSION RECOMMENDATIONS:**

The Commission's report on the hearing made eight recommendations. The first recommendation pertained to project licensing:

1. In the absence of an integrated watershed and aquifer plan for the Manitoba portion of the Red River basin, that an Environment Act license not be issued for the Project.

Recommendations 2 – 7 pertained to the contents of watershed and aquifer plans, the planning process and other matters under the jurisdiction of Manitoba Water Stewardship. Recommendation 8 concerned environmental assessment:

8. The Manitoba government establish and require higher standards of performance in environmental assessment. To that end, the government should provide comprehensive and clear guidance for proponents, consultants and practitioners by:
  - Issuing Guidelines for projects seeking a licence under The Environment Act that are more prescriptive as to what constitutes an acceptable environmental assessment; and
  - Establishing protocols for best professional practice.

#### **MANITOBA WATER STEWARDSHIP COMMENTS:**

Manitoba Water Stewardship did not raise concerns with the licensing of the project during the initial technical review of the project. The Water Planning and Coordination Branch of Manitoba Water Stewardship provided advice respecting the Commission's recommendations:

"... From a purely scientific and technical perspective, our opinion is that these risks are relatively low and manageable. However, through its findings and recommendations, the CEC has brought to bear broader policy and community perspectives on the acceptability and manageability of these risks."

The Branch went on to detail additional studies and activities being undertaken by Manitoba Water Stewardship to address technical and planning issues, and suggested that the results of these activities should be of significant value to the Environment Act decision making process.

#### **ENVIRONMENTAL ASSESSMENT AND LICENSING BRANCH RESPONSE:**

The Environmental Assessment and Licensing Branch carefully reviewed the Commission's first recommendation in light of the Environment Act Proposal documentation, public and TAC comments on the proposal, and information presented by the proponent, groups and individuals at the hearing. The four previously completed aquifer and watershed management plans in Manitoba were also reviewed.

It was concluded that the additional information contemplated by the Commission would require a lengthy delay in the implementation of the project, and that the additional information would not change the amount of technical information available

on which to base an Environment Act licensing decision. This is consistent with advice received from technical reviewers of the project.

The comments of Manitoba Water Stewardship were also considered. Due to the non homogeneous nature of the aquifer involved and the consequent difficulty in extrapolating test hole information, additional investigations of the aquifer will not necessarily yield reliable information on the sustainability of this particular project. Reliable information specific to this project can best be obtained through longer duration pumping with monitoring to confirm projected effects.

With respect to aquifer planning activities, previous plans have not addressed water allocation issues, which are determined by the provisions of the Water Rights Act. The aquifer management plan to be developed by Manitoba Water Stewardship for the Sandilands aquifer complex would not address the Commission's recommendation for an integrated watershed and aquifer management plan in any case. Accordingly, it is not clear what additional information to be obtained by Manitoba Water Stewardship would reduce the uncertainty associated with an Environment Act licensing decision.

The delays recommended by the Clean Environment Commission and Manitoba Water Stewardship to accommodate further activities not within the proponent's control constitute an inequitable requirement not applied to other projects of a similar nature.

To provide a consistent application of the Environment Act process, the Director decided to issue an Environment Act Licence for the project pursuant to sections 11(11) and 11(13) of the Act.

### **LICENCE FINALIZATION:**

At the proponent's request, the Environment Act Licence will not be finalized until requested by the proponent. Rationale for this voluntary delay was based on concerns respecting an appeal process. Given the proponent's request to not issue a licence, the Director is not required at this time to document reasons for not adopting the Commission's advice pursuant to Section 11(13) of the Act.

#### **PREPARED BY:**

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