

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPOSER:** Don Orchard  
**PROPOSAL NAME:** Don Orchard Dam  
**CLASS OF DEVELOPMENT:** Two  
**TYPE OF DEVELOPMENT:** Water Development and Control  
**CLIENT FILE NO.:** 4192.00

### **OVERVIEW:**

The Proposal was received on July 9, 1996. It was dated June 27, 1996. The advertisement of the proposal was as follows:

"A Proposal has been filed by the Deerwood Soil and Water Management Association for the construction of a headwater retention dam on NW 15 and NW 16-5-7W. The dam would store 44 cubic decametres of water for agricultural use and provide an additional 21 cubic decametres of flood storage. The reservoir would be drained over the summer and fall in preparation for spring inflows in the following year. Construction of the dam is scheduled for the fall of 1996."

The Proposal was advertised in the Carman Valley Leader on Tuesday, August 6, 1996. It was placed in the Main, Centennial, Eco-Network and South Central Regional Library (Morden) public registries. It was also distributed to TAC members on July 29, 1996. The closing date for comments from members of the public and TAC members was September 4, 1996.

### **COMMENTS FROM THE PUBLIC:**

No public responses were received.

### **COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

**Manitoba Environment - South-Central Region** Upon completion of the project the borrow area should be examined for the presence of any sand or gravel seams. If any are present the seams should be sealed with clay to prevent surface waters from entering the groundwater.

#### Disposition:

This suggestion can be included as a licence condition.

**Manitoba Environment - Water Quality Management** There does not appear to be significant impacts to water quality. As indicated in the proposal dampening of the spring flows may help reduce some erosion from the escarpment, thereby reducing silt loads in streamflows further downstream. Natural Resources Fisheries will be better able to address concerns related to fish.

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**Historic Resources Branch** Although no heritage resources have been recovered at the specific location of the proposed dam site and borrow area, such resources have been found in the immediate area and at other locations along the edge of Pembina Mountain. Therefore, there is the potential for heritage resources to be present at the proposed Don Orchard Dam. The Branch's Impact Assessment Archaeologist will conduct a field investigation before the end of September, 1996 to determine the presence and significance of any heritage resources. A copy of his findings will be forwarded as soon as the field reconnaissance has been completed. In the event that intact and significant heritage resources are present, a heritage resource impact assessment of the project may be required.

Disposition:

A licence condition can specify that construction cannot begin until a heritage resources field reconnaissance has been completed.

**Highway Planning and Design** No concerns. The project's distance from any provincial roads or highways likely precludes any impacts on the road system.

**Mines Branch** There are pending quarry leases on the west half of LS 10 and 15 and the east half of LS 11 and 14 of 16-5-7W that may be issued to Millwood Resources Ltd. These quarry leases, if issued, will grant the right to mine and remove bentonite. Although it is not anticipated that the dam will interfere with possible bentonite mining, perhaps the potential lessee should be notified regarding the proposed dam development.

Disposition:

This information will be forwarded to the proponent for discussion with the potential lessee.

**Community Economic Development** No land use concerns.

**Medical Officer of Health - Westman** No health concerns.

**Natural Resources** In order to prevent possible downstream sedimentation, some measures should be planned to control erosion during the construction phase and immediately afterwards before the area has had the chance to revegetate. Native plant species and/or cultivars should be used in the revegetation process.

Disposition:

This comment can be addressed as a licence condition.

**Canadian Environmental Assessment Agency** Application of the Canadian Environmental Assessment Act with respect to this project will not be required. DFO would like to participate in the provincial review.

**Fisheries and Oceans** The project is not likely to cause significant adverse effects

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on fish and fish habitat after implementation of appropriate mitigation measures. The following measures are recommended to control erosion and sediment runoff: No instream construction in any year between April 1 and June 15. Construction should occur under dry stream conditions if possible, and be halted during heavy precipitation events. Construction equipment should be refuelled and serviced at least 100 m from the water course and appropriate precautions should be taken to ensure that deleterious substances do not enter the water. The dyke and spillway should be stabilized with clean riprap. All exposed slopes should be seeded as soon as possible after the completion of the project.

Disposition:

All comments can be addressed as licence conditions.

**PUBLIC HEARING:**

As no public concerns were identified, a public hearing is not recommended.

**RECOMMENDATION:**

All comments received on the Proposal can be addressed as 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 South-Central Region.

**PREPARED BY:**

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September 9, 1996

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