

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Soils Are Us *Alias* J.K. Backhoe Service
PROPOSAL NAME: Soils Are Us
CLASS OF DEVELOPMENT: Class 2
TYPE OF DEVELOPMENT: Mining
CLIENT FILE NO.: 4496.0

OVERVIEW:

An Environment Act Proposal, dated April 5, 2000, respecting a peat mining proposal, and submitted by J.K. Backhoe Service, was received by the Department on April 6, 2000.

J.K. Backhoe Service proposes to develop a 16.2 hectare peat bog located on the SW1/4 of Section 7, Township 8, Range 8 EPM, within the R.M. of Ste. Anne, under the name plate of Soils Are Us. The site proposed to be mined is Crown Land for which a Quarry Permit has been issued to J.K. Backhoe Service by the Mines Branch. The proposed site is already accessible by road. Drainage from the site will be routed via drainage ways leading to the Seine River.

The Proposal was advertised in the Steinbach Carillon on April 17, 2000. Copies of the Proposal were placed in Public Registries at: the (Union Station) Library in Winnipeg; the Centennial Public Library in Winnipeg; Manitoba Eco-Network; and the Jake Epp Public Library. The closing date for the receipt of public comments was specified as May 12, 2000.

Copies of the Proposal were also sent to the applicable members of the interdepartmental Technical Advisory Committee for their review and comment by no later than May 12, 2000.

On September 15, 2000, we were informed by the Mines Branch that the holder's name to Quarry Lease No. QL-1473 was changed from "J. K. Backhoe Service" to "Soils Are Us", hence the proponent of the Development changed from "J. K. Backhoe Service" to "Soils Are Us"

COMMENTS FROM THE PUBLIC:

From the public

Only one negative public response was received by the Department. The comments came from Roland Chaput. He expressed his opposition to the Proposal and based his opposition upon the following reasons:

- during heavy rainfall events the Seine River is already full to capacity such that the drainage from bog proposed to be mined would increase the flow and cause more flooding than two years ago;
- the proposed drainage would drain more area than suggested because the swamp has no boundaries and would therefore drain a much larger area;
- by removing the peat moss, the absorbent value is removed and result in water flows downstream at a much faster pace.

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Disposition

A copy of the received comments was placed into the public registries. The expressed concern is addressed in the draft Licence.

From the R.M. of Ste. Anne

The Rural Municipality of Ste. Anne did not make any direct comment to the Department, but did reflect its concerns through a Conditional Use Order No. 02-00, issued to the proponent as a prelude to a Development Permit. The Conditional Use Order contained six conditions. The sixth condition was that "Manitoba Conservation Water Resources Branch will assume all responsibility for down-stream flooding up to the Seine River Diversion, including damage to roads, resulting from the approval of the application for license for drainage works". On June 21, 2000, the Water Resources subsequently sent a letter to the R.M. of Ste. Anne to advise them that Manitoba Conservation would not assume any responsibility or liability for downstream flooding except as may be required in accordance with the laws of Manitoba. This notification placed the status of the Conditional Use Order into question because one of the conditions would not be met. On June 28, 2000, Manitoba Conservation requested the R.M. to clarify the status of the Conditional Order in the light of the letter from the Water Resources Branch. On August 15, 2000, the R.M. of Ste. Anne issued amendments to conditions No. 4 and No. 6.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Mines Branch commented that the Crown owns the mineral rights on the SW 7-8-8E and has granted a valid quarry lease to the proponent, but that the proponent will need to file a closure plan in accordance with MR 67/99.

Disposition

The comments were referred to the proponent. MR 65/92 is referenced in the draft licence.

Natural Resources commented:

- The Proposal does not provide complete assessment of the potential impacts on water quality in the surrounding surface drains or the effects on surface water flows in the area.

- Groundwater impacts are not anticipated, however, if the operation is altered to include deeper excavations involving groundwater pumping, the project should be re-evaluated.
- The environmental assessment for this project was carried out at a time of year that was unsuitable for a thorough inventory of plants on the site. A more thorough inventory of plants and nesting birds should be undertaken during June and July.
- *Arethusa bulbosa*, which was found on the site, are considered rare in Manitoba. The extent of population in this area should be properly documented.
- The land is presently not coded for mineral extraction, and they were not aware of any request for a change in the land use coding.
- Sedimentation ponds should be installed at the outlet of the harvesting area at the onset of drainage, not later when the deeper deposits will be mined to deeper depths.
- There is no statement as to the volume of additional waters that will be discharged as a result of the operation.

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- The requirement for a Drainage Licence should be included as a condition of the Environment Act Licence.
- The applicant has not indicated any plan for fire suppression and control. This should be required as a condition of the Environment Act Licence.
- The proponent should leave strips of living and/or piled brush and vegetation around the periphery of the active fields to trap excessive dust from leaving the property.
- The proponent does not indicate any schedule for when the operation is likely to expand into the deeper peat deposits over the majority of the lands under Quarry Lease.
- The Proposal makes no mention of any water quality monitoring program nor the determination of volumes of water being released.
- The proposal provides no information on reclamation of the site. The expected reclamation of the site has a bearing on how the operation must be conducted during its operating years. The region would strongly recommend that the goal of reclamation should be to restore these lands to a functioning wetland, with water levels restored to pre-mining levels. To meet this goal, the Closure Plan should include certain techniques, including, but not limited to: a) no-mining buffers around the periphery of the field(s); b) progressive restoration as portions of fields are depleted; and c) transplanting of appropriate vegetation, including higher plant species.
- As a broader issue, given the uncertainties of the cumulative impacts of such similar operations within affected watersheds, it would be advisable to undertake an overall "peat management plan" for southeastern Manitoba for proper long-term management of the affected lands, resources and wild life habitats.

Disposition

The comments were referred to the proponent for consideration and response, where applicable. No response was provided by the proponent other than a report on an additional vegetation and wildlife survey undertaken during a period spanning from

June to August, 2000. This report was forwarded to TAC for review and comment. The issue of the lack of a mineral extraction coding for the affected Crown Land was pursued as a separate issue with the Mines Branch. The issue of an overall peat management plan for the region was supported by the Director of Approvals and referred to the Policy Co-ordination Branch. All other issues have been addressed in the draft Licence.

Water Quality Management commented:

- The proposal is lacking information in three areas:
 - 1) there is little information on how the settling ponds will be constructed and operated;
 - 2) the water quality analyses did not include total phosphorus, biochemical oxygen demand, and metals such as aluminum and zinc; and
 - 3) there is no outline for a proposed future water quality monitoring program during the life of the operation.
- The background water quality data consisted of only one set of samples, and these were collected in early spring.

Disposition

The comments were referred to the proponent for consideration and response. No response was provided. The expressed issues have been addressed in the draft Licence.

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Terrestrial Quality Management commented:

- The proposal uses the terms "bog", "peat bog", "fen", "wet grassland", and "floating bog" interchangeably to describe the area. A departmental site survey showed the peatland area to be a rich-fen wetland, rather than a bog wetland.
- The proponent's vegetation survey was not undertaken during the growing season to ensure that there are no endangered vegetation species in the proposed harvest area.
- A detailed vegetation survey should be conducted on all land areas that may be harvested in the future but are not cleared in 2000, or which may be affected by the draw down of the water table due to the drainage, with the results reported to the Director by December 31, 2000.

Disposition

The comments were referred to the proponent for consideration and response. The proponent responded with the submission of a report on another vegetation and wildlife survey undertaken during a period spanning from June to August, 2000. The report was referred to TAC for review and comment. The proponent offered no other responses.

Environmental Operations (Regional Office) commented;

- Noise and dust will likely be a concern especially for one resident approximately 300 metres west of the proposed site.
- To mitigate creating dusty conditions on the road, the proponent should, rather than using water, use a dust suppressant, either magnesium or chloride.

- Will the additional drainage of water from this sight adversely affect the drainage ability of the current drainage system?

Disposition

The comments were referred to the proponent for consideration and response. No response was provided. The concerns have been addressed in the draft licence.

Canadian Environmental Assessment Agency (CEAA) commented that the application of the Canadian Environmental Assessment Act with respect to this project will not be required. Some agencies included some comments and queries:

Environment Canada

- The Environmental Assessment report only identifies general impacts and broad mitigation measures in very general terms without providing consideration of either the potential impacts or their mitigation.
- Clearing and preparation of the site should be done outside of the breeding and rearing season.
- There is no information to support the statement on page 8 that lowering the water table will be localized, or what is meant by the term "localized".
- There appear to be no plans to routinely monitor water quality from the development or monitor changes to the water table in the short or long term in order to determine possible effects on the vegetation, resident fauna and water courses.
- There is no mention of the impacts of the stock-pile site for the drying peat or the truck loading areas.
- Appendix 'C' is primarily a flora and fauna description with some discussion about orchids. Mr. Hatch recommends a reconnaissance of the area in the summer when orchids are in flower, however, this recommendation does not appear in the main body of the Environmental Assessment report. The impacts, significance and mitigation measures relating to the presence and loss of orchid species is not discussed.

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- There is no indication that the site will be rehabilitated. upon closure.
- The report in Appendix 'C' raises the issue of "ongoing loss of habitat" as a result of peat mining. There is need to consider the cumulative impacts and habitat losses associated with peat mining, and the development of some land-use strategies with respect to these types of developments.

Fisheries and Oceans Canada

- How will water quality be monitored throughout the project life?
- Will water quality parameters be included in the Environment Act Licence and monitored by Manitoba Conservation?
- Needs a contingency plan in the event the water quality exceeds the CCREM guidelines.
- Lacks a contingency plan outlining steps to be taken in the event the settling ponds reach their maximum capacity for peat sediment as well as reclamation procedures for the settling ponds.

Disposition

The comments were referred to the proponent for consideration and response. No response was provided. Identified concerns and shortcomings have been addressed in the draft licence.

PUBLIC HEARING:

No request was submitted for a public hearing on the Proposal.

RECOMMENDATION:

A draft Environment Act Licence, authorizing the construction and operation of the proposed Development is attached for the consideration of the Director of Environmental Approvals. It is recommended that the licence, if approved, be assigned to the Eastern-Interlake Region for administration, surveillance, monitoring, ongoing compliance evaluation and enforcement responsibilities.

PREPARED BY:

C. Moche, P. Eng.
Environmental Engineer
Municipal, Industrial and Hazardous Waste Approvals Section
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Telephone: (204) 945-7013
Fax: (204) 945-5229
E-mail Address: cmoche@gov.mb.ca