

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Shilo Farms Ltd.
PROPOSAL NAME: Shilo Farms Ltd. Irrigation Project
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 5100.00

OVERVIEW:

The Proposal was received on May 5, 2005. It was dated April 27, 2005. The advertisement of the proposal was as follows:

“A Proposal has been filed by Shilo Farms Ltd. to irrigate up to 490 ha (1210 acres) annually. The project land is located south of Shilo on Sections 1 and 12-9-17W and NE 36-8-17W, and previously has been irrigated with groundwater. Approximately 1500 dam³ (1200 acre-feet) of water would be applied annually, using water obtained from the Assiniboine River at a location adjacent to Provincial Road 340. Construction of the project is proposed for the summer of 2005.”

The Proposal was advertised in the Brandon Sun on Saturday, May 14, 2005. It was placed in the Main, Eco-Network, St. James-Assiniboia Public Library, and Western Manitoba Regional Library (Brandon) public registries. It was distributed to TAC members on May 9, 2005. The closing date for comments from members of the public and TAC members was June 14, 2005.

COMMENTS FROM THE PUBLIC:

Keith Murray I have several concerns about the project as indicated.

1. Noise pollution to our farm home sites.
2. Impact on the very fragile peat bogs on the north side of the Assiniboine River.
3. Impact on a highly used recreation access point to the river on the south bank.
4. The river is very shallow in this entire area. The use of three pumps will have some impact on normal flow patterns of the river.
5. Excavation near a major bridge without considerable engineering studies being completed.

As such, I am requesting that Shilo Farms either choose another location further up the river or submit to a full public hearing on the application.

Disposition:

The proponent indicated that another intake location would be examined. Additional information was requested to address this matter.

Carold Criddle and Luanne Gibb This email is being written in conjunction with my mother, Carold Criddle who owns the property situated beside the proposed irrigation pumping site along PR 340.

A representative from Shilo Farms recently inquired about the installation of a pumping site at the proposed location. At that time Mrs. Criddle advised the rep that she was opposed to the location of the pumping site.

Mrs. Criddle has several concerns regarding this proposal. The noise level of the pumping station will interfere with her right to a quiet enjoyment of her property, which she has owned for in excess of forty years. During that time she has enjoyed the diverse natural beauty of the property and area.

A diesel pumping station was installed in the mid 90's upstream on the Assiniboine River approximately 1/4 mile. Noise from that pumping station was a constant distraction throughout the summer. This pumping station is no longer in use.

Although the proposed pumping station will be powered electrically it will affect that natural esthetics of the property and the area. Mrs. Criddle has concerns regarding the affect of her property value should this project proceed. The bridge area is enjoyed by several people throughout the summer season, as it is used as a launch area for canoes, and several local fishermen.

Peat moss is the chief soil composite. Disruption to the peat moss may damage the water level sustained in the bog area. Mrs. Criddle has an approved well on her property and is concerned for the continued water quality and quantity of that well.

We have a concern in regards to the water level of the Assiniboine River over the long term. At present, during dry years the water level of the Assiniboine River can be as low as 6 inches. A pumping station already exists approximately one half mile downstream from the bridge on PR 340.

In regards to the above noted proposal we request a public hearing be held in order the concerns of affected persons be heard. We would like to reiterate that we stand opposed to this pumping station.

We would like to be advised of the date, time and location of the public hearing in regards to this matter. Mrs. Criddle's address is: Box 127, Wawanesa, MB R0K 2G0 and I may be contacted at: Lulu@goinet.ca.

Disposition:

As discussed above, the proponent indicated that a different location was being considered for the intake. Additional information to confirm this change was requested.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation – Sustainable Resource Management The following comments have been received from the Wildlife Branch regarding the above environment proposal.

- Given that the underlying aquifer is “considered vulnerable to impacts from overlying land use activities”, the proponent should sample the groundwater below the irrigated land prior to any irrigation with river water that has elevated concentrations of nitrogen compounds. This would provide site specific baseline data on concentrations of nitrite/nitrate, TKN and ammonia in the project area to which future monitoring results would be compared.
- The proponent should note that there are freshwater spring complexes along the Assiniboine River at approximately 6 km west and 10 km east of PR 340 that support populations of smooth monkey-flower (*Mimulus glabratus*). This species is nationally rare, and Manitoba’s Endangered Species Advisory Committee recommended that it be listed as threatened. It is difficult to tell the nature of the riverbank at the proposed inlet structures from the information provided. However, if a freshwater spring occurs at or near this location, the potential exists for the presence of a smooth monkey-flower population. If this species does occur at the site, the inlet should be relocated to a another location on the riverbank. It is very important to the survival of this species to prevent disturbance of the hydrology of the springs and to avoid damaging the unique vegetation community that is associated with springs.
- Since many areas of the province have never been thoroughly surveyed, the absence of records of other listed species in this area does not mean that other species or ecological communities of concern are not present. The information should therefore 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 impacted by the development. It is the responsibility of the proponent to inspect the construction site prior to and during construction to determine if any listed species may be impacted. The proponent needs to be aware that if rare or endangered species are present, removal or destruction of the species or their habitat may be in contravention of Subsection 10(1) “Prohibition” of the Endangered Species Act (Manitoba). If species of concern are present, the proponent must contact the Biodiversity Conservation Section of the Wildlife and Ecosystem Protection Branch (Nicole Firlotte, 945-6998) to discuss possible mitigation options.
- Any disturbance of vegetation or soil associated with installation of the pump and irrigation equipment in riparian areas should be kept to an absolute minimum in order to maintain habitat integrity and reduce the potential for soil erosion. Seeding of natural areas disturbed by construction should be done with a seed mix containing native grasses and forbes. Species colonization and growth in disturbed areas should be monitored to assess the success of re-vegetation efforts.

- Part of the Assiniboine Corridor Wildlife Management Area (WMA) lies along the western boundary of the proposed development. The WMA is also a protected area. Neither the presence of the WMA, nor its protected status, are identified in the proposal. There are no concerns associated with the locations of the water intake and water line proposed in the application, but the application indicates that the final location for the new water intake has yet to be decided and that it might be moved upstream from the site currently proposed. There would be concerns if locations inside or crossing the protected area were to be proposed.

Fisheries Branch have concerns regarding:

- Further allocation from the Assiniboine River before the ongoing Instream Flow Needs Study is finished. Until results of the IFN study are available, however, we must use the current estimate of surplus water, which Water Branch will determine. We do request that the withdrawal rate not exceed 10% of the instantaneous flow at the site.
- Effects of the accumulative withdrawal of water on the hydrological cycle of the Assiniboine River. As noted in the report this river provides all life stages for several sport and commercial fish species. It is already a highly altered system and increased demands by users continue to strain this river.
- The number of larval fish that could get entrained or impinged on the screens when operating prior to July 1. In particular, sturgeon which are known to occur upstream of this location. Sturgeon were recommended by COSEWIC to be listed under SARA. This recommendation is now undergoing extensive public consultation that can take up to 18 months. If listed a recovery strategy will then be prepared. Implications to activities like water withdrawals are unknown at this time.

Disposition:

These comments can be addressed through additional information respecting the intake location, and licence conditions.

Water Quality Management: I have reviewed the proposal for the Shilo Farms Ltd. Irrigation Project. This proposal does address the majority of the concerns related to water quality.

However, due to the risk of increased runoff following irrigation, nutrient management should include phosphorus in addition to nitrogen. Phosphorus concentrations in the soil should be monitored to prevent excessive phosphorus from building up and potentially leaching into the water. Vegetation along the Assiniboine River should also be re-seeded where removed during the placement of the pipeline. This vegetation should be maintained to minimize nutrient runoff and erosion. In addition, backflow mechanisms should be in place to assure that there is no backflow of fertilizer into the Assiniboine River.

Disposition:

These comments can be addressed through licence conditions.

Historic Resources Branch No concerns.

Mines Branch No concerns.

Petroleum Branch No concerns.

Community Planning Services Branch I have reviewed this proposal, and my comments are as follows:

1. Municipal Approvals – The proponent should seek the approval of the municipalities for the installation of those portions of the pipeline which are to be installed within the rights-of-way of municipal roads, as they represent a structure located in the right-of-way which is under municipal jurisdiction. (It should be noted that the pipeline will cross a municipal boundary road, which may involve the approval of both municipalities.) In addition, the proponent should make an enquiry with the Brandon and Area Planning District with regard to any development permit or other municipal approval that may be required.
2. Pumping Station – The specific location of the pumping station has not been finalized as yet. Presumably the final location will be subject to careful review, with a view to minimizing impacts on the aquatic and riparian environments, as well as minimizing navigation hazards on the Assiniboine River.
3. Flood Risk – If possible, any pumping facilities should be located above the 100 year flood level. If the pumping facility is to be located in the R.M. of Cornwallis, Section 22 of Part Three of the R. M. of Cornwallis Zoning By-law contains specific provisions with regard to development proposals in areas subject to flooding.
4. Monitoring – Based on the sensitivity of the soil and groundwater conditions in this area, I would support the proposal for monitoring of the irrigation operation. Some of the livestock producers in the area (such as a nearby hog producer in the adjacent R.M. of South Cypress to the east) have been required by municipalities to undertake a monitoring program in accordance with Appendix F of the Manitoba Farm Practices Guidelines. Presumably the monitoring program for this irrigation proposal would be somewhat similar.

If the appropriate authorities are satisfied that this proposal will be sustainable over the long term, and will not have a significant detrimental effect on regional water quality and water flow in the river, then I would have no concern with the issuance of a licence.

Disposition:

Information on municipal approval requirements was forwarded to the proponent's consultants for information. Remaining items can be addressed through additional information and licence conditions.

Highway Planning and Design Manitoba Transportation and Government Services has reviewed the above noted Environment Act Proposal, and offers the following comments:

- The March, 2005 Environment Act Proposal states that the proposed pumping station location has not been finalized. Note that the Department would not allow the pump house within highway right-of-way for safety and liability reasons.
- A waterline in Provincial Road (PR) 340 right-of-way near the bridge over the Assiniboine River would not be desirable. Our Department has installed drainage tile and monitoring devices in this area to control subsurface drainage and associated geotechnical problems with the roadway. It is recommended that the pump station and waterline be placed outside of highway right-of-way at this location. Surface erosion following construction would also be a concern.
- The proponent will require a formal underground agreement with the Department for placement of any waterlines within highway right-of-way.
- The proponent will need to apply to the Department for a permit to place any installation within the control area 38.1 m (125 feet) from the edge of PR 340 right-of-way. Such a permit will also be required for any new access to PR 340 that may be required from the pump station.
- Any improvements required to the drainage devices on PR 340 would be at the cost of the proponent. Plans showing any proposed changes that would direct additional water to PR 340 should be forwarded to the Regional Technical Services Engineer for Departmental approval. (Contact information provided.)

Disposition:

These concerns have been removed with the proposed relocation of the pump intake to a location removed from PR 340.

Manitoba Health - Assiniboine and Brandon Regional Health Authorities – Medical Officer of Health Monitoring of groundwater is addressed as the area is considered a groundwater sensitive area. Monitoring of domestic wells should be included in the proposal as well.

Disposition:

Well monitoring can be addressed as a licence condition. Water quality monitoring is needed well upstream of domestic wells in the area to provide an early warning about agricultural products moving offsite.

Canadian Environmental Assessment Agency I have completed 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 reviewed by all federal departments with a potential interest. I am enclosing copies of the relevant responses for your file.

Based on the responses to the federal survey, the application of the Canadian Environmental Assessment Act (the Act) will be required for this project. Agriculture and Agri-Food Canada (AAFC) has identified that the department may be providing funding for the project, and are therefore required to complete an environmental assessment pursuant to the Act. In addition, Fisheries and Oceans Canada (DFO) has requested additional information in order to determine if that department also has an obligation under the Act. Transport Canada has not yet made its final determination regarding the project.

Since both a federal and provincial environmental assessment is required for this project, I expect that we will proceed under the terms of the Canada-Manitoba Agreement on Environmental Assessment Cooperation and that Manitoba will lead the cooperative process. I will act as Federal Environmental Assessment Coordinator (FEAC) on behalf of Canada in the cooperative assessment process.

Please note that Fisheries and Oceans Canada and Environment Canada have responded that they would be able to offer specialist advice with respect to the project review. I have attached the relevant responses from these federal departments, and included their respective contact information (see attached.)

(DFO indicated an interest in participating in the provincial review; Environment Canada did not.)

ADDITIONAL INFORMATION:

Additional information to address comments on the project was requested on September 16, 2005. A letter dated August 10, 2006 was provided by Golder Associates to address the relocation of the pump intake. The location is proposed to be located approximately 3 km downstream of the originally proposed location, at the same location as the Keller Farms irrigation intake.

PUBLIC HEARING:

Two requests were received for a public hearing. The public concerns involved the intake location, which is now to be relocated a long distance from residences. Accordingly, a public hearing is not recommended.

RECOMMENDATION:

All comments received on the Proposal have been addressed through additional information or 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 Western Region.

PREPARED BY:

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Environmental Approvals - Environmental Land Use Approvals

January 2, 2006

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