

**Webb, Bruce (CWS)**

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**Subject:** FW: Request for review/comment - RM Deloraine-Winchester - Whitewater Lake Mod EAP - File: 5822.00

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**From:** Matthews, Rob (CWS)

**Sent:** April-27-16 2:57 PM

**To:** Webb, Bruce (CWS)

**Cc:** Butterfield, Tamara (CWS); McCombe, Christopher (CWS)

**Subject:** RE: Request for review/comment - RM Deloraine-Winchester - Whitewater Lake Mod EAP - File: 5822.00

BW

No concerns.

Rob Matthews, Manager, WULS, CWS.

## Webb, Bruce (CWS)

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**From:** Roberts, Dan (CWS)  
**Sent:** May-20-16 11:13 AM  
**To:** Webb, Bruce (CWS) BW  
**Subject:** Request for review/comment - RM Deloraine-Winchester - Whitewater Lake Mod EAP - File: 5822.00

The *Water Control Works and Drainage Licensing Section* has the following comments to offer:

- All water control works require licensing under the *Water Rights Act* – please note an *Application for License to Construct Water Control Works* has been submitted to *Sustainable Development* for review.
- By policy, the *Water Control Works and Drainage Licensing Section* does not advocate inter-basin transfer of water – including projects moving water from terminal basins such as Whitewater Lake, unless the need for a project of this nature can be demonstrated.
- The Province has licensed a number of projects allowing for the controlled movement water from terminal basins – all projects advocating this activity received an *Environment Act License* prior to project construction. The EA Licence dictates the aquatic conditions, such as water levels under which inter-basin transfer can occur.
- The water control works licensing process potentially authorizes the operating protocol for any drainage infrastructure associated with the project, and takes into consideration affected landowner concerns; any project approval has to address or mitigate the technical/factual concerns raised during the licensing process.

Thank You,

**Dan Roberts**

Water Resource Officer

Water Control Works and Drainage Licensing Section

Department of Sustainable Development

Box 6000, Building #1180, 75 - 7th Avenue,

Gimli, MB R0C 1B0

Cell: (204) 641-1331

## Whitewater Lake Management Environment Act Proposal – Wildlife and Fisheries Branch Comments

The Wildlife & Fisheries Branch opposes this proposal to lower to and manage water levels on Whitewater Lake to the Committee's desired level of 496.2 m (June 2015 the water levels were 2 m higher at 498.232) by constructing a channel to Elgin Creek to the north and Medora Creek to the SW. During periods when water levels on Whitewater Lake are high, water flows overland to discharge through Medora Creek. Otherwise, under normal conditions Whitewater Lake is a closed basin with no outlet. There have been periods historically when Whitewater Lake has been reported as dry.

The Wildlife and Fisheries Branch opposes this proposal and the subsequent Environment Act licence based on the following:

- 1) This project proposes to "lower the water level of the lake", which is in direct violation of *The Wildlife Act*. The *Use of Wildlife Lands Regulation*, Section 7(1, c) states that no person shall "drain, dyke, or block a manmade or natural waterway or wetland" within a Wildlife Management Area (WMA). Specific to Whitewater WMA, Section 45(1, b, iii) states that no person shall engage in any "activity that significantly and adversely affects habitat" within WMA, and furthermore as per Section 46(2) no permits can be issued for an activity that significantly and adversely affects habitat within the protected portions of the WMA (east and west portions as identified in Section 46(3)).

The proposed project will significantly and adversely impact wildlife and habitat in the following ways:

- Draining the lake and maintaining low water levels will interrupt the natural fluctuation of water that makes the Whitewater Lake ecosystem so productive.
- Connecting Whitewater Lake to Medora and Elgin Creeks and the greater Souris River system will enhance the movement of fishes and aquatic invasive species (e.g. common carp, zebra mussels) into an ecosystem that is currently void of such organisms.
- The lake is historically subject to botulism outbreaks, and maintained low water levels, paired with prolonged periods of drought could result in a greater frequency of outbreaks, severely impacting local waterbird populations.
- The lake is designated as an Important Bird Area (IBA) providing habitat for globally significant numbers of nesting Franklin's gull and staging snow geese; provincially-unique nesting habitat white-faced ibis, cattle egret, snowy egret, and great egret (all considered provincially rare by Manitoba's Conservation Data Centre); and nesting and staging habitat for large concentrations of various other waterbirds.

- 2) The area is of recreational importance, specifically for wildlife viewing (largely birds) and waterfowl hunting. This project would impact recreational value of the area by decreasing the productivity of the area for birds, thus decreasing recreational opportunities for wildlife viewing and hunting.
- 3) Nowhere else in the province is a municipality or other proponent permitted to directly regulate water levels within a Wildlife Management Area.
- 4) Allowing the drainage of a terminal basin like Whitewater Lake contradicts *Manitoba's Surface Water Management Strategy*, which does not support the installation of drainage infrastructure on terminal basins:
  - Page 11: "Terminal basins are unique systems that must be protected and therefore, engineered outlets should be an option of last resort, as drainage of these basins can have significant negative impacts."
  - Page 13: "**Action 13 Protect Terminal Basins** - Protect terminal basins to ensure that the ecological value and natural ecosystem function of these unique ecosystems is maintained first and foremost. Installing drainage infrastructure on terminal basins is not generally supported and will only occur to protect human health, or prevent dislocation of primary residences. In such cases mitigative measures would be required in other areas of the watershed to compensate for the loss of ecological value."
- 5) The diversion of water to these creeks, outside of the normal frequency and duration of flows for these creeks can certainly alter the suitability of the habitat for those fish species utilizing them. Construction activities, channel capacity (new and existing) and poor rehabilitation of constructed reaches can lead to systemic erosion issues which can contribute sediment to downstream receiving water bodies. Confining natural water level fluctuations on water bodies can also lead to ongoing erosion of the shoreline. Low water levels provide for the growth of vegetation along the shoreline which dampens the effect of high water levels or wind generated sieches which are noted as occurring in the report. These natural processes do not occur when water levels are managed within a confined window. In addition to erosion issues the loss of near shore vegetation reduces available and suitable spawning, nursery and feeding habitats for fish.

We'd also like to point out the following discrepancies in the proposal:

- 1) Although the proposal outlines previous studies and activities (Section 2.5) it fails to mention the 2011 drainage and public input study that was conducted by the Province and Turtle Mountain Conservation District. Although the recovery of flooded agricultural lands was highest public concern, the drainage projects proposed were also met with opposition from neighboring municipalities and determined not economically and environmentally feasible.
- 2) On page 14, the authors have stated that Whitewater Lake "**is not considered to be a commercial, aboriginal or recreational fishery, nor are the creeks that will be affected by the project.**"

Whitewater Lake does support small bodied fish species, like fathead minnows, blacknose shiner, finescale dace and brook stickleback when conditions are favourable. It can be considered as having or supporting a commercial fishery, albeit not perhaps a significant one, as there is a bait fisherman who is licensed to harvest bait fish from this waterbody. There is also anecdotal evidence that larger bodied fish species such as northern pike and smallmouth bass may also be present.

- 3) From the Fish Inventory and Habitat Classification database, the following fish species have been reported as being found in the relevant creeks:
  - a. Medora Creek – white sucker, fathead minnow, longnose dace, black bullhead and northern pike
  - b. Elgin Creek – brook stickleback, fathead minnows, northern pike and white sucker. Elgin reservoir on Elgin Creek at Elgin has also, until this past year, been stocked with trout species. One would argue that efforts to stock fish into this reservoir to create recreational fishing opportunities reflects the fact that there is a recognised recreational fishery.

While most reaches of these creeks and Whitewater Lake are not actively managed, staff cannot confirm or refute the contribution of the creeks in terms of providing nursery and feeding habitat, at least seasonally, for a number of fish species which may support larger downstream systems like the Souris River.

- 4) As a reminder, no matter how marginal the fishery for a water body, it is not legal to kill fish by any other means than fishing so DFO may need to be involved in the review of this project. Furthermore if there is the need to isolate any reaches and there is the potential to strand fish, a *Live Fish Handling Permit* must be obtained.





## Infrastructure

Engineering and Operations/Highway Planning and Design  
1420-215 Garry Street, Winnipeg, Manitoba, Canada R3C 3P3  
T 204-945-3660 F 204-945-0593  
www.manitoba.ca

May 31, 2016

Tracey Braun, M. Sc. BW  
Director, Environmental Approvals Branch  
Manitoba Conservation and Water Stewardship  
123 Main St., Suite 160  
Winnipeg, MB R3C 1A5

RE: RM of Deloraine-Winchester Whitewater Lake Management Project  
Client File No. 5822.00

Dear Ms. Braun:

Manitoba Infrastructure (MI) has reviewed the proposal under the *Environment Act* noted above and has the following concerns/comments associated with the proposed development:

### Regional Operations:

- The proposal indicates the channels will be operated during off-peak flow periods and the flow will be controlled through the use of gated culverts. It has been the experience of MI that gated culverts don't perform well. During the flooding in 2011, it became apparent that gates are often forgotten during dry weather cycles. When gates are installed, there are always good intentions to operate them as required, but over time the responsibility of who is to maintain and operate the gates becomes problematic. As time passes, the gates no longer function and often can't be operated (opened or closed) when needed;
- Please note that Water Control/Bridge structures operated and maintained by the Water Management and Structures Division are potentially impacted with the proposed channel construction at: West Channel - PTH 3 (Site# 277), North Channel - Dam structure on Elgin Reservoir (Site# 4708) and PTH 23 (Site# 320);
- The proposal indicates the North channel will cross several roads including PR 448 & PR 343. Installation of two 1200mm CSP with an estimated length of 18m are necessary to accommodate the North channel through each of these roads. MI will require detailed engineered drawings and hydraulic calculations prepared by a professional engineer before consideration can be given to any additional drainage infrastructure in the provincial right-of-way; and

- The construction of these channels may allow/increase additional drainage in this area. Please note that for this area of the Province MI is partnered with Manitoba Conservation and Water Stewardship as well as the Manitoba Habitat Heritage Corporation in a "No Net Loss" of wetland habitat agreement. As such, MI does not support the loss of wetlands.

**Water Management Engineering and Construction:**

- More succinct operation rules (i.e. more specific as to the flow volumes on Medora and Elgin Creeks, under which the channels will be operated) need to be established. If water is released into the creeks at a time, when there isn't enough capacity available, it could cause flooding downstream. This is fairly critical and shouldn't be left ambiguous or up for interpretation;
- MI – Water Management Engineering and Construction would be concerned if the channels were operated during any high flow events (i.e. anything exceeding the 1:2 yr return period during spring, summer or fall), as it could impact our ability to operate the Elgin Dam; and
- A regulating body should be established that ensures these operating rules are followed into perpetuity.

Thank you very much for providing us the opportunity to review the proposal.

Sincerely,



Ryan Coulter, M. Sc., P. Eng.  
Manager of Environmental Services

## Webb, Bruce (CWS)

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**From:** Andersen, Peter (MMG)

**Sent:** April-21-16 4:39 PM

**To:** Webb, Bruce (CWS)

**Subject:** RE: Request for review/comment - RM Deloraine-Winchester - Whitewater Lake Mod EAP - File: 5822.00

Bruce:

I have reviewed the above referenced Environment Act Proposal and scope of work therein (involving the development two outlet channels and their related gated control structures for Whitewater Lake). As all but a very small part of the proposed scope of work will be located in existing ditches located within municipal road right-of-ways, this office has no objections to the proposed development.

The above referenced Environment Act Proposal (File: 5822.00) notes that certain segments of the proposed outlet channel proposed for development in the Municipality of Morton-Boissevain will require some privately owned lands in order to develop the outlet with the necessary 3:1 side slopes as per plan. The Environment Act proposal indicates the Municipality of Morton-Boissevain will be working to secure easement agreements (or possibly land purchases) with affected private land-owners to secure those lands necessary to build the outlet channel as per design. In this regard, please be advised of the following:

- Easement agreements between the municipality and the affected private landowners is from our office's perspective the easiest solution but our office strongly recommends that any such easement agreements be registered on title to all privately lands required for outlet channel development. Where the use of private lands is secured for outlet channel development, the municipality and/or private landowners may also want to consider registering on title a development agreement that identifies any financial or other compensation paid to private landowners who may suffer losses of existing improvements upon the land as a consequence of the outlet channel development (e.g. lost/damaged fencing or other surface improvements) and/or identify roles and responsibilities for operations and maintenance of any portion of the outlet channel built on privately held property which is the subject of an easement agreement.
- If one or more affected landowners and the Municipality of Morton-Boissevain can't come to terms regarding easement agreements, another means by which the municipality may choose to obtain needed privately held lands to develop the outlet channel would be by the municipality passing road opening by-laws (for the purpose of widening the road-right-of-ways – See S. 289 of the Municipal Act). Such by-laws are passed under the Planning Act and would require provincial departmental review and comment and the preparation of road opening plans by a Manitoba Surveyor.
- Another possibility may be for all or some portions of required private lands to be purchased from landowners and then captured in a drainage plan developed under authority of the Water Rights Act. In such a case, the drainage plan would cover lands outside the existing government road allowance right-of-ways needed for outlet channel construction.

I trust this information will be of assistance. If you have any questions, please feel free to give me a call.

Cheers,

Peter Andersen, M.Sc. MCIP  
Community Planner  
Community and Regional Planning Branch

P.O. Box 22147, 2010 Currie Blvd,  
Brandon, Manitoba R7A 6Y9

Phone: (204) 726-7414  
Fax: (204) 726-7499



**Municipal Government**

**Webb, Bruce (CWS)**

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**Subject:** FW: Request for review/comment - RM Deloraine-Winchester - Whitewater Lake Mod EAP - File: 5822.00

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**From:** Frykoda, Amy (HHLS)

**Sent:** May-19-16 2:26 PM

**To:** Webb, Bruce (CWS)

**Subject:** FW: Request for review/comment - RM Deloraine-Winchester - Whitewater Lake Mod EAP - File: 5822.00

BW

No further comments,

Dr. Amy Frykoda, MD, CCFP, MSc

Medical Officer of Health

Manitoba Health

P.O. Box 960

Minnedosa, Manitoba R0J 1E0

ph: (204) 867-8730

fax: (204) 867-2239

email: amy.frykoda@gov.mb.ca

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