

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Rural Municipality of St. Clements
PROPOSAL NAME: East Selkirk Water System Upgrade
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Water Development and Control
FILE NO.: 6114.00

OVERVIEW

The Proposal was received on June 2, 2021. It was dated May 28, 2021. The advertisement of the Proposal was as follows:

“An Environment Act Proposal has been filed on behalf of the Rural Municipality of St. Clements for upgrades to the East Selkirk water system. The upgrades include possible new pumps and other changes to the two existing wells adjacent to the East Selkirk water treatment plant, an expansion of the plant to provide reverse osmosis and nanofiltration treatment, as well as bypass cartridge filtration and increased treated water storage, and a pipeline to provide treated water to a new reservoir at Lockport. Reject concentrate water from the water treatment plant would be discharged to Cooks Creek when ice and flow conditions allow, and to the community’s wastewater treatment lagoon during cold and low flow periods. A concentrate water discharge pipeline to the Red River may be constructed in the future. Construction of the upgrades could begin in 2021.”

The Proposal was advertised in the Selkirk Record on Thursday, July 1, 2021. It was placed in the following Public Registry locations:

- Online: <https://www.gov.mb.ca/sd/eal/registries/6114/index.html>
- Legislative Library (Winnipeg)

The Proposal was distributed to Technical Advisory Committee (TAC) members on June 23, 2021.

The closing date for comments from members of the public and TAC members was August 1, 2021.

COMMENTS FROM THE PUBLIC

No public comments were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Technical Advisory Committee (TAC) responses are summarized in Table 1 below. Substantive comments and their dispositions follow the table. TAC comments are provided in full in the public registries.

Table 1 Rural Municipality of St. Clements East Selkirk Water System Upgrade
Technical Advisory Committee Comments

No	Technical Advisory Committee Member	Response Provided
1	Manitoba Conservation and Climate	
	Environmental Approvals Branch:	
	Energy Program	No response
	Air Quality Management	No response
	Environmental Compliance and Enforcement Branch	No concerns
	Office of Drinking Water	June 23, 2021
	Drainage and Water Use Licensing Branch:	
	Water Use Licensing Section	June 25, 2021
	Water Control Works and Drainage Licensing Section	No response
	Climate Change and Clean Technology	No response
	Parks and Protected Spaces Branch	No response
2	Manitoba Agriculture and Resource Development	
	Industry Development and Resilience Branch	No response
	Wildlife and Fisheries Branch (wildlife)	No wildlife concerns
	Wildlife and Fisheries Branch (fisheries)	No response
	Forestry Branch	No concerns
	Lands Branch	No response
	Regional Crown Land Specialist / Integrated Resource Management Team	No response
	Water Branch:	
	Water Quality Management Section	June 30, 2021
	Groundwater Management Section	July 30, 2021
	Petroleum	No response
3	Manitoba Sport, Culture, and Heritage – Historic Resources Branch	July 16, 2021
4	Manitoba Municipal Relations – Community Planning Branch	No concerns
5	Manitoba Infrastructure – Environmental Services and Consultation Branch	July 27, 2021
6	Manitoba Health, Seniors and Active Living – Environmental Health Unit	No response
7	Impact Assessment Agency of Canada	No response

Manitoba Conservation and Climate – Office of Drinking Water

The Office of Drinking Water has the following comments:

Permit to Construct or Alter a Public Water System for the Office of Drinking Water (ODW) will have to be submitted.

Construction should follow Manitoba Water Services Board (MWSB) standards.

Disposition:

These comments were provided to the proponent's consultant for information. The permit requirement can be addressed as a licence condition.

Manitoba Conservation and Climate – Drainage and Water Rights Licensing Branch, Water Use Licensing

The Water Use Licensing Section of the Drainage and Water Rights Licensing Branch requires that an application be submitted to amend the existing Water Rights Licence. The proposal states that they are aware of this requirement.

Disposition:

These comments were provided to the proponent's consultant for information. The licence requirement can be addressed as a licence condition.

Manitoba Agriculture and Resource Management, Water Branch, Water Quality Management

- The proponent indicates that water quality samples were collected from Cooks Creek. It is recommended the proponent be requested to recalculate and reassess Table 3.4 Combined Flow Concentrations applicable parameters using ten (10) years Cooks Creek data collected from upstream water quality station MB05JS006 (data provided in excel sheet).
- The Water Quality Management Section is concerned with any discharges that have the potential to impact the aquatic environment and/or restrict present and future uses of the water. Therefore it is recommended that the license require the proponent to actively participate in any future watershed based management study, plan/or nutrient reduction program, approved by the Director.

Disposition:

These comments were provided to the proponent's consultant for information. The watershed management comment can be addressed as a licence condition.

Manitoba Agriculture and Resource Management, Water Branch, Groundwater Management

As requested, I have reviewed the proposal entitled "Environment Act Proposal RM of St. Clements – East Selkirk Water System Upgrade", dated May 2021.

Section 2.1/Figure 2.1:

- Excavation and drilling for the pipeline installation may intercept shallow perched groundwater depending on the groundwater levels and the depth of excavation. Fuel and waste deposits associated with construction and excavation may require immediate response and monitoring groundwater quality.

Section 2.1.1/Figure 2.2:

It is reported that "it is evident that the Red River is acting as a constant head boundary in many cases through the area" and "the Red River is running directly on the surface of the carbonate aquifer, and there is a significant connection with groundwater"

- If the Red River is acting as a constant head boundary and running directly on the surface of the aquifer, why there is 5 feet of predicted drawdown on the Red River? Does this mean the river level will have 5 feet decline due to the proposed pumping rate? Or, this is due to the imbalance between the river-aquifer influent rate and the proposed pumping rate at steady state? How was this implemented in the Theis equation?
- Based on the GWDrill database, it is inferred that there are more than 600 wells including over 100 active wells found within the predicted well field with drawdown greater than 5 feet. Potential impacts of the proposed supply wells to the neighboring well water use to be assessed. A mitigation plan is required for water users within the well field which may be impacted by the proposed water supply wells.

Shown on Figure 2.2, "Future Discharge to Red River: a future discharge location is to be installed northwest of Hwy 509. As this discharge location has year-round flow, this future discharge option is seen as a long-term permanent solution"

- Identification of the interaction of the Red River to aquifer to be in place to understand the direct and long term impact of the concentrate discharge to the groundwater quality of both sides of the river.

Section 4.5

- More continuous groundwater elevation monitoring in the vicinity of East Selkirk to determine impacts and extent impacts.

Appendix B

- Potential impact of the proposed water supply wells to the movement of the boundary of fresh and saline groundwater to be assessed.

Please be advised that the review with respect to groundwater conditions is completed based on the information provided by the Consultants. The comments, conclusions & recommendations of the reviewer are solely based on the information provided by others and the Department cannot guarantee that the information that has been provided by others is accurate or complete.

Disposition:

These comments were provided to the proponent's consultant for information. A number of the comments can be addressed through licence conditions.

Manitoba Sport, Culture and Heritage – Historic Resources Branch

The Archaeological Assessment Services Unit (AASU) has finished its review of the proposed water system upgrade for heritage resources.

Concerns

There are concerns with the current proposed plan to impact known and potential heritage resource sites. The proposed water treatment pipelines discharge locations at Cooks Creek and the Red River are in close proximity to known Fur Trade era burials and Pre-European Contact Indigenous campsites. Additionally, the identified 12 km water pipeline to connect to the proposed Lockport Reservoir, overlaps with known archaeological sites as well as human burials and burial mounds associated the Indigenous occupation present at Lockport Heritage Provincial Park. These factors, to name a few, suggest that any planned development within the area has the potential to impact heritage resources, therefore, the Historic Resources Branch has concerns with the project at this time.

Legislation

Under Section 12(2) of The Heritage Resources Act, if there is reason to believe that heritage resources or human remains are known, or thought likely to be present, on lands that are to be damaged or destroyed by reason of any work, activity, or project that is being proposed to carried out, then the proponent is required to conduct at his/her own expense, a heritage resource impact assessment (HRIA) and mitigation, if necessary, prior to the project's start. The developer must contract a qualified archaeological consultant to conduct a Heritage Resources Impact assessment (HRIA) of the proposed development location, in order to identify and assess any heritage resources that may be negatively impacted by development. If desirable, the Branch will work with the developer/land owners and their consultant to draw up terms of reference for the project.

Outlet Locations - HRIA Expectations

1. Subsurface testing of the outlet location at Cooks Creek location and monitoring of ground disturbance activities during construction to identify and mitigated impacts to heritage resources at this location.
2. Subsurface testing of the outlet location at Red River location and monitoring of ground disturbance activities during construction to identify and mitigated impacts to heritage resources at this location.

Proposed Lockport Reservoir and 12 km Water Pipeline – Recommendations

The development footprint of the identified reservoir and water pipeline directly overlap with a known Indigenous burial ground associated with the Lockport Heritage Provincial Park.

The AASU **strongly recommends complete avoidance** of any development in the vicinity of known burial locations and other heritage resource sites on the west side of the Red River Floodway, near the Lockport Heritage Provincial Park. The AASU also recommends that the development footprint be moved to the east side of the Red River Floodway, away from the area of concern and resubmitted to the AASU for heritage resource review.

Other Recommendations

Please Implement an HRPP for this Project.

The AASU recommends a heritage resource protection plan (HRPP) be included in planning and construction in the event heritage resources (including human remains and palaeontological resources) are accidentally encountered. The HRPP consists of operational procedures to limit damage or destruction of heritage resources accidentally found during site work. This document

assists informing managers, employees, contractors on what to do and whom to call should heritage resources accidentally be encountered when testing and development is underway on site.

Please find attached a Heritage Resources Protection Plan (HRPP) template that proponents/contractors/operators can use as a guide, as well as a fact sheet outlining the legal provisions involving found human remains.

Disposition:

These comments were provided to the Proponent's consultants for information. The requirement for compliance with the Heritage Resources Act can be addressed as a licence condition,

Manitoba Infrastructure – Environmental Services and Consultation Branch

MI Capital Regional Operations:

Review and approval will be required from the Region for any works or pipe installations within MI highway right of way prior to construction.

The application can be found at:

<https://www.gov.mb.ca/mit/hpd/utilities.html>

MI Roadside Development and Access Management:

If response to your request for review of this proposal, we would like the following conditions of approval.

- Review and approval will be required from the Region for any works or pipe installations within MI highway right of way of PR 204, PR 212, and PR 509 prior to construction.

The application form of utilities permissions can be found online at: [Highway Planning and Design | Manitoba Infrastructure | Province of Manitoba \(gov.mb.ca\)](#)

- A permit is required from Manitoba Infrastructure for any work done with the controlled areas of PR 204, PR 212, and PR 509. Under the Transportation Infrastructure Act, permits are required from Manitoba Infrastructure to:
 - Construct, modify, relocate or intensify the use of an access onto a provincial highway.
 - Construct, modify or relocate a structure or sign, or change or intensify the use of an existing structure (including the alteration of existing buildings) within the 38.1 metres controlled area.
 - Place any trees or plantings within 15 metres of the edge of the highway right-of-way.

Permit requirements outlined above have been simplified to provide some basic guidelines.

The application form for accesses to or structures adjacent to a provincial highway can be submitted online or by mail to Manitoba Infrastructure's Highway Design Branch in Winnipeg.

Please note, we are not accepting in-person applications at this time due to COVID-19.

Online: <https://forms.gov.mb.ca/highway-permits/>
(This electronic form will only accept credit card payment.)

By mail:

Please forward completed application form to our office in Winnipeg (1420 – 215 Garry Street, Winnipeg, MB R3C 3P3) along with the following information:

1. Application fee (cheques made payable to the Minister of Finance). See attached list of fees.
2. A copy of the current land title certificate.
3. A sketch of the affected property showing the locations and details of proposed construction, removal and/or tree planting including all existing access, structures, etc.
4. A copy of subdivision conditional approval if subdivision is involved .
5. A copy of declaration of right-of-way agreement if declaration of right-of-way is applied for.

Further details on permits for development including accesses, structures and signage adjacent to provincial highways are available at <https://www.gov.mb.ca/mit/hpd/permits.html>

Application will not be processed until ALL information is submitted.

MI Water Management, Planning and Standards:

The proposed pipeline to Lockport Reservoir crosses the Red River Floodway. The Red River Floodway is a designated Provincial Waterway under the Water Resource Administration Act. The proposed pipeline will need to be authorized by MI under the Water Resource Administration Act. We are currently working with the Applicant and are reviewing their proposed pipeline where it crosses the Red River Floodway.

We have no other concerns with this proposal.

Disposition:

These comments were provided to the proponent's consultant for information.

ADDITIONAL INFORMATION

Additional information was not required to address Technical Advisory Committee comments.

PUBLIC HEARING

As no requests were received for a public hearing, a public hearing is not recommended.

CROWN-INDIGENOUS CONSULTATION

The Government of Manitoba recognizes that it has a duty to consult in a meaningful way with Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of the Indigenous rights of that community.

The proposal involves the upgrading and operation of a municipal water supply system and its extension to another area of the municipality. No land use changes are anticipated, and water consumption changes are not anticipated to affect supplies for other users. As resource use would not be affected, Crown-Indigenous consultation would not be required for the project.

RECOMMENDATION

It is recommended that the Development be licensed under The Environment Act subject to the specifications, limits, terms and conditions as described on the attached Draft Environment Act Licence. Administration of the Licence should be assigned to the Central Region of the Environmental Compliance and Enforcement Branch.

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