

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPONENT:** Rural Municipality of Elton & Rural  
Municipality of Whitehead  
**PROPOSAL NAME:** RMs of Elton and Whitehead Municipal  
Rural Water Supply System  
**CLASS OF DEVELOPMENT:** Two  
**TYPE OF DEVELOPMENT:** Transportation/Transmission - Pipelines  
**CLIENT FILE NO.:** 5324.00

### **OVERVIEW:**

The Proposal was received on February 22, 2008. It was dated February 19, 2008. The advertisement of the proposal was as follows:

“A Proposal has been filed by the Manitoba Water Services Board on behalf of the Rural Municipalities of Elton and Whitehead to construct a rural water supply system to provide potable water throughout the RMs, including connections to communities such as Kemnay, Dungannon Estates, Forrest, and Douglas. Water for the system would be supplied from the Community of Alexander’s water treatment plant. The Alexander water treatment plant would be expanded to provide additional treatment capacity of 9.1 litres/second to a total capacity of 15 litres/second, which would provide for community, rural and livestock use over a 20 year period. The Elton/Whitehead system would be capable of delivering 585,000 litres/day of treated water on average, with peak day use of 953,000 litres. Treated water would be distributed throughout the RMs through distribution pipelines located in road allowances. Pipelines would be installed over a period of several years depending on demand and funding availability.”

The Proposal was advertised in the Brandon Sun on Saturday, March 8, 2008. It was placed in the Main, Millenium Public Library, Eco-Network and Western Manitoba Regional Library (Brandon) public registries. The Proposal was distributed to TAC members on February 29, 2008. The closing date for comments from members of the public and TAC members was April 4, 2008.

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

**Murray Owens** Regards of water line R.M. Whitehead to Elton R.M.

Everything about this water installation in Alexander has been crooked & misleading.

We had a meeting people asked council questions, always had excuses its in Engineers hands, funny they could never get engineers to come to meeting.

The water pump out for pump station in an old garbage dump. Up & working before a licence was required. The water in winter backs up ditch along road, works way into old dump.

The residents now are taxed on footage front. Friends of councils town & municipality get off Scot-free, own more 200 ft frontage, while rest of us have to pay for all our frontage This okay by gov. water resources & environment.

When council ask what the licence applied for was, no body would answer question.

A tax payer asked if we would have vote on project, answer yes, meeting & vote no.

Water line put into farmer south of town, was to be meeting never had. Sand bought for lagoon, paid more land was worth, former councilor.

Now what to put water to Kemnay, etc. Why wasn't this all part of first negotiation instead of being put off.

Why should we have to supply water to another R.M. 40 miles away, river to cross, railways deal with, as well as several Hwys & City of Brandon who are trying annex more land.

Forrest & Douglas both sitting on aquifers. If Elton RM doesn't want to supply water for their tax payer why should we.

Enough people in R.M. of Whitehead that need water, without supplying another R.M. with water.

Why should Whitehead tax payers be charged with all the expense incurred by supplying Elton.

Gov. controls what can be charged for expenses to them in water rates, people of Whitehead charged rest.

Whitehead will be responsible for clean water, supplying water if for some reason water brakes or water supply runs low.

The facilities in Whitehead are not big enough, and do not have proper drainage facilities to pump out more wastewater, without causing water damage to surrounding farms and their water table.

All in all this is a program which is not advisable until all things are fixed properly and everyone in Whitehead are supplied water.

As stated before Whitehead looks after Whitehead. Elton supply their own tax payers their needs for water. This way the RM of Whitehead will not be fined etc for not supply quantity of water need for Elton dairies and industrial progress.

As I stated to you on the phone, this Prov gov. branches just pass the buck around & care less about doing anything about repairing things, after they make the mistakes.

I have had a lot of experience with Environment office in past and still am but get put off all time, oh this isn't my department, its someone elses.

This is exactly what will happen here to this venture.

In end this will all work out to be another Walkerton episode and taxpayers of RM Whitehead will be help responsible.

Residents of Whitehead yes

Elton RM NO NO NO

**Disposition:**

The concerns regarding the size of the facilities in Whitehead and wastewater discharges were broached in the original proposal for the Alexander water treatment system and addressed in the Environment Act Licence for that project.

The remaining issues listed in the letter were addressed in the proposal, or are beyond the scope of the assessment.

**Dawn Wishart** I am glad to hear that the rural water supply system to provide potable water into my municipality is in the beginning stages. I live near the Kemnay Woods development, in the Whitehead municipality. We have approximately 40 homes in this area and we feel there is a demand for potable water in our area. Am I correct in understanding that both Elton and Whitehead will have access to this? How will residents of each municipality have access or is it a first come first serve basis? What will the cost be? How do we apply? I look forward to your response and am very excited about this endeavor.

**Disposition:**

The inquiries were forwarded to the proponent and received the following response:

"The Environmental license is part of the overall approval process to construct a water supply system in the 2 RMs. Once the license is issued a meeting with the 2 RMs will be initiated to develop an implementation plan if there is adequate rural interest in proceeding with a municipal system."

This response was forwarded to Ms. Wishart.

**COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:****Sustainable Resource Management Branch**

1. A search of the Manitoba Conservation Data Centre (MB CDC) database resulted in the following occurrences in the vicinity of the proposed municipal water supply system:

Lotus unifoliolatus	prairie trefoil	G5S2S3
Athene cunicularia	burrowing owl	G4S1B
Buteo regalis	ferruginous hawk	G4S2B
Ammodramus bairdii	Baird's sparrow	G4S1S2B
Anthus spragueii	Sprague's pipit	G4S2B
Lanius ludovicianus	loggerhead shrike	G4S2B

- The occurrence of prairie trefoil is historic and is included for information. It is rare to uncommon throughout its range in Manitoba and is vulnerable to extirpation.
- There are two burrowing owl occurrences (1990 and 1991) in an existing pasture near Kemnay. Burrowing owls are very rare in Manitoba and its breeding occurrence is critically imperiled in Manitoba.
- Ferruginous hawk, Baird's sparrow, Sprague's pipit, and loggerhead shrike have been observed near the Assiniboine River. These four species are very rare to rare throughout Manitoba and may be vulnerable to extirpation. Their breeding occurrence is ranked S2 or critical. Since the construction for the water supply system is proposed to occur mostly in existing right of ways and road allowances, there should be little impact on these populations. However, it is the responsibility of the proponent to inspect all potentially affected sites prior to and during construction to determine if any listed species may be affected.

Information from MB CDC is based on minimal survey effort in the study area and it should 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 affected by the construction. The proponent needs to be aware that if rare or endangered species are present, removal or destruction of individuals or their habitat may be in contravention of Subsection 10(1) "Prohibition" of The Endangered Species Act (Manitoba). In addition, for species listed under the federal Species at Risk Act, the Act prohibits any activities that kill or otherwise harm COSEWIC listed plant or animal species and prohibits destruction of their habitat. If species of concern are present, the proponent must contact the Biodiversity Conservation Section of the Wildlife and Ecosystem Protection Branch (Contact was provided) to discuss possible mitigation options.

Note: all proponents who conduct biological surveys in conjunction with their developments are asked to share that data with the Biodiversity Conservation Section. This will provide important updates to the MB CDC database.

2. Killing or harming migratory birds and disturbance, destruction or taking of their nests or eggs is prohibited under the Migratory Birds Convention Act. The proponent is responsible for ensuring that no migratory birds will be harmed and no active nests of migratory birds will be destroyed as a result of the development. If migratory birds or their nests may be harmed by this development, the proponent must contact the Canadian Wildlife Service for further direction.

**Disposition:**

Comments were forwarded to the proponent for information and can be addressed through licence conditions.

**Western Regional Operations Office in Brandon**

No concerns.

## **Water Stewardship**

- A specific requirement of any *Environment Act* Licence should direct the proponent to comply with the following:
  - The requirements pursuant to *The Drinking Water Safety Act*:
    - Application for a Permit to Construct/Alter a Public Water System;
    - Submission of a detailed engineering package; and,
    - Approval of the project prior to any work commencing.
- The following technical issues should be reviewed with the Approvals Section of the Office of Drinking Water, as soon as possible, to avoid conflicts with tendering, budgeting, scheduling, and to expedite the approval process pursuant to *The Drinking Water Safety Act*:
  - The proposal makes generic reference to water plant design considerations, pipeline construction, pipeline installation, and system operation and maintenance. There will be a requirement to provide more detail to allow a review and permitting pursuant to *The Drinking Water Safety Act*, such as: detailed drawings, specifications, design brief, and summary of key design parameters.
  - A submission pursuant to the *Drinking Water Safety Act* would be expected to include:
    - The water plant and reservoir expansion for Alexander;
    - Connection details for all communities: Kemnay, Forrest, Douglas, Dungannon Estates; and,
    - Expansion details for all communities:
      - Forrest : reservoir and pumphouse and
      - Pipeline network details, including installation.
  - Since there will be two ( 2 ) owners, the R. M. of Whitehead and R. M. of Elton, a detailed description will be required of which system components will be the legal responsibility of each of the respective owners.
- The proponent's proposed horizontal directional drilling activities below any water crossings should comply with the Operational Statements of the Department of Fisheries and Oceans Canada or be reviewed by the Department of Fisheries and Oceans Canada.

- Additionally the proponent should consult with Manitoba Water Stewardship's Regional Fisheries Biologist regarding the proposed crossing locations for the Assiniboine River and the Little Saskatchewan River. Both rivers have a number of recreationally important fish species and the Assiniboine River has species listed under the *Species At Risk Act* (Canada). Since enhancement work has been conducted in the Assiniboine River and the Little Saskatchewan River, it would be important to select crossing locations that would have a lesser effect on the aquatic environment should either of the following occur:
  - escape of drilling mud into the environment as a result of a spill, tunnel collapse, or the rupture of mud to the surface or
  - the inadvertent release of drilling lubricant.
- The Department requests clarification on the proponent's statement regarding directional drilling "any creeks containing water". Based on regional experience, it is the Department's preference that, at minimum, those crossings with a defined channel and potential to carry water during spring runoff be directional drilled. This is due to the difficulty in stabilizing the sites when open cut trenching is used and the ongoing erosion and sedimentation which results.
- The distribution path appears to cross or be adjacent to some small waterbodies, directional drilling will also be applied to these areas.
- There is no indication of when the stream crossing work will be conducted. Generally, if directional drilling is utilized the Department should have minimal concern. However, if trenching is conducted then the Department would recommend this be done outside of the spring spawning timing window and/or under dry conditions.
- The Department would request the proponent to consult with the Manitoba Water Stewardship's Regional Fisheries Biologist and Department of Fisheries and Oceans Canada should the following change:
  - Stream crossing method,
  - Water body, or
  - Steam crossing work occurs in the spring spawning window:
    - April 1<sup>st</sup> to June 15<sup>th</sup>
- The proponent(s) must contact Manitoba Water Stewardship's Water Use Licensing Section to apply for an increase to their existing Water Rights Licence No. 2005-068, as a result of the expansion.

- The issue of long-term monitoring of the aquifer has not been discussed in the proposal. The proposal makes a reference to two test/monitoring wells. One well is located 11 metres from the production well and the second well is located 274 metres from the production well.
- An *Environment Act* licence will include the following requirements for:
  - Installing groundwater monitoring wells;
  - Maintaining groundwater monitoring wells;
  - Reporting groundwater monitoring data;
  - Annual groundwater monitoring results, for the previous calendar year (January 1<sup>st</sup> - December 31<sup>st</sup>), should be provided to Manitoba Water Stewardship's Groundwater Management Section by March 31st of each year; and,
  - If either or both of these wells—located 11 metres and 274 metres from the production well—will not be used for long-term monitoring then they should be properly abandoned and a well abandonment report should be submitted to Manitoba Water Stewardship's Groundwater Management Section.

Disposition:

Most of these comments can be addressed through licence conditions. The need to apply for an increase to an existing Water Rights Licence will be noted to the proponent. The comment regarding wells will be addressed the separate Environment Act licence for that component of the development.

**Historic Resources Branch**

The Historic Resources Branch has concerns with regard to this project's potential to impact heritage resources.

Section 2.8.7 of the document identifies the potential impacts to Heritage Resources, and Section 2.9.7 indicates the proposed management practice. The proposed employment of an archaeological consultant to conduct a heritage resource impact assessment satisfies the Branch concern. The Heritage Permit report provided to the Branch by the consultant will then be reviewed according to professional archaeological standards to identify any possible mitigation requirements.

Disposition:

These comments can be addressed through licence conditions.

**Mines Branch**

No concerns.

**Petroleum Branch** No concerns.

**Highway Planning and Design Branch**

- The Manitoba Water Services Board and the RM of Elton and RM of Whitehead must submit additional information before the Department will enter into a utility agreement for placing pipelines within Departmental right-of-way. Impacts on the provincial highway system cannot be determined until detailed profiles and cross-sections for highway ditch burials and crossings are submitted.
- Erosion control measures that are to be employed would also be of interest, where trenching in creek valleys in the highway ditch. The utility agreement would require that Departmental right-of-way be restored to an acceptable condition.
- Since deep burial will be required (i.e. 2.4 m plus), there is concern about potential groundwater blowout in the highway ditch in some locations.
- We would prefer that the proposed waterlines be less dependent on using highway right-of-ways (especially PTH 1, PTH 1A, PTH 10, PTH 25, PR 250, etc.). There are two projects on PTH 10 that may conflict with the proposal (Forrest Bypass and Bituminous Pavement/Passing Lanes PTH 1 to PTH 25). Erosion potential is a major concern within highway right-of-way where the terrain is rolling (eg: proposed waterline on PTH 1 through the Assiniboine River valley).
- The proponent is advised to contact regional staff in these regards:

The proposed project is located adjacent to and crossing various Provincial Trunk Highways and Provincial Roads within the municipalities.

*For information, we attach the regulations affecting these lands.*

***Statutory Regulations***

PTH 1, PTH 1A, PTH 10, PTH 21, and PTH 25 are Limited Access Highways under the jurisdiction of the Highway Traffic Board. Under The Highways Protection Act any new, modified or relocated access to this highway or its service road (including the change in use of an existing driveway) requires a permit from the Highway Traffic Board. A permit is also required from the Highway Traffic Board for any change in the use of the land or the buildings, or to place, construct or alter any structures within 76.2 m (250 ft) from the edge of the PTH 1, PTH 1A, PTH 10, PTH 21, and PTH 25 right-of-ways.

Any new, modified or relocated access connection onto PR 250, PR 270, PR 340, PR 348, PR 349, PR 353, PR 455, PR 459, and PR 468 requires a permit from Manitoba Infrastructure and Transportation. A permit is also required from our department for any construction above or below ground level within 38.1 m (125 ft) of these Provincial Roads.

In addition, a permit is required from the Department of Manitoba Infrastructure and Transportation for any planting placed within 15.2 m (50 ft) from the edge of the right-of-ways of these highways.

- Contacts in these regards are as follows:

(Contacts were provided)

Disposition:

Comments were forwarded to the proponent for information and can be addressed through licence conditions.

**Community Planning Services Branch** Please be advised that I have reviewed the Environment Act Proposal circulated to my office on February 29, 2008 for the above referenced project and am advising your office that I do not object to the proposed development but offer the following comments for your review and consideration.

I note that the proposed rural water distribution system which is proposed for the RM's of Whitehead and Elton consists of approximately 484 km of pipeline. This proposed rural water distribution system has the design potential to provide treated potable water to approximately 200 households in the RM of Elton (including households in Forrest, Justice and Douglas as well as existing and future livestock operations) and up to 439 households in the RM of Whitehead (including households in Alexander and Kemnay, single rural residences and existing clusters of multi-lot rural residential development distributed in various locations in the eastern portion of the RM of Whitehead). Further, the Proposal indicates that it is unlikely that this rural water distribution system will serve livestock producers in the RM of Whitehead as groundwater supplies demonstrate higher yields in this municipality as compared with the R.M. of Elton.

With the development of this rural water distribution system, the challenge for both Councils will be to carefully consider and manage new rural development and rural residential development in particular, over time to minimize potential land use conflicts with agricultural operations in each municipality. In this regard, both Councils should be encouraged to direct new development in each municipality to existing urban settlement centers and existing designated and zoned rural residential areas. Based on my review of the conceptual piping layouts included in the Proposal, I recommend that the proposed water pipeline extending south along the eastern limit of Section 36-9-20WPM (RM Whitehead) be extended a further  $\frac{3}{4}$  of a mile southward to service existing designated and zoned rural residential development in the E1/2 Sec. 25-9-20WPM.

Finally, as the Proposal indicates the proposed water pipeline is to be located within municipal road allowances and provincial road right-of ways which are under the jurisdiction of the R.M. Whitehead and Elton or Manitoba Infrastructure and Transportation, I encourage the proponent to co-ordinate the installation of the proposed rural water pipeline with all affected utilities in order to minimize impacts and/or service

interruptions to roadways and other infrastructure (Hydro, MTS, etc). If portions of the pipeline traverse private land, necessary easement agreements with land owners should be obtained. Also, I encourage the proponent to contact local planning authorities (RM of Whitehead and Brandon and Area Planning District) to determine the need for building or development permits for the proposed booster stations, reservoir pump house and the proposed expansion of the water treatment plant in Whitehead.

Disposition:

Comments were forwarded to the proponent for information.

### **Medical Officer of Health – Assiniboine and Brandon RHAs**

1. Environment License clauses and engineering design should address the following:
  - i. adherence to the Guidelines for Canadian Drinking Water Quality 6th edition
  - ii. adherence to The Drinking Water Safety Act
  - iii. proper storage and containment of the diesel storage tank
2. Will the current water treatment plan system in the town of Hamiota address viruses and parasite elimination as well as trihalomethanes, bromodichloromethanes and turbidity?

Disposition:

The contents of the first comment can be addressed through licence conditions. The second comment should be addressed by the Office of Drinking Water when the water treatment system in Hamiota is expanded.

### **Canadian Environmental Assessment Agency**

I have undertaken 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 distributed to all federal departments with a potential interest. I am enclosing copies of the relevant responses with this letter.

Based on the responses to the federal survey, I have not yet been able to determine whether the application of the Canadian Environmental Assessment Act (CEAA) will be required for this project. Agriculture and Agri-Food Canada – Prairie Farm Rehabilitation Administration (PFRA) is still in the process of determining whether an environmental assessment under the CEAA will be required.

PFRA wishes to participate in the provincial review, at least until funding availability is confirmed. Fisheries and Oceans Canada (DFO) also wishes to participate, and

forwarded relevant Operational Statements to the proponent, indicating that electronic versions are available online at DFO's website. The Canadian Transport Agency provided advice, which was forwarded to the proponent. Health Canada is willing to provide specialist advice if requested. Environment Canada indicated that implementation of the proposed mitigation measures will address its concerns. Transport Canada (TC) provided guidance with respect to pipeline creek crossings, which the Canadian Environmental Assessment Agency forwarded to the proponent.

**Disposition:**

PFRA, DFO and CEAA will be included on the TAC for the project.

**ADDITIONAL INFORMATION:**

No additional information is required to address TAC comments.

**PUBLIC HEARING:**

No requests were received for a public hearing. Accordingly, a public hearing is not recommended.

**RECOMMENDATION:**

All provincial comments received on the Proposal can be addressed as licence conditions, or have been forwarded to the Applicant's representative for information. Information needed to complete the federal assessment process has been requested and will be provided directly to the interested department. 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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April 16, 2008

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