

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPONENT:** Kelsen Agritech  
**PROPOSAL NAME:** Ken Kane Holdings Ltd.  
**CLASS OF DEVELOPMENT:** 1  
**TYPE OF DEVELOPMENT:** Bulk Materials Handling Facility  
Crop Protection Products Warehouse  
**CLIENT FILE NO.:** 5442.00

### **OVERVIEW:**

On January 12, 2010, Manitoba Conservation received a proposal for the construction and operation for the construction, installation and operation of a crop protection products warehouse to be located at SW 13-12-15 in the Rural Municipality of North Cypress.

No public concerns were received in response to the advertisement of this proposal in the Brandon Sun published on Saturday January 30, 2010. The proposal was placed in the Public Registries at the Millennium Public Library, the Manitoba Eco-Network, the Environment Library (Main), the Western Manitoba Regional Library and at the Rural Municipality of North Cypress Office. The proposal was distributed to TAC on January 26, 2010, with the closing date for TAC and Public comments on March 1, 2010.

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

No public responses were received.

### **COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

**Canadian Environmental Assessment Agency** has reviewed the proposal and informed that the project does not trigger the need for a federal EA under the *Canadian Environmental Assessment Act*.

#### **Conservation (Parks and Natural Areas Branch)**

No comments.

**Conservation (Regional Operations)** reviewed the submitted proposal. The branch has the following comments:

The 4 above ground 990 gallon Jet-A fuel tanks, if manifolded together would require a permit under the petroleum storage regulation.

It is recommend that secondary containment for fuel tanks be 110% of the capacity of the largest tank, not 100% as indicated.

Sewage holding tank should be installed and permitted pursuant to MR 83/2003.

Disposition:

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

**Conservation (Sustainable Resource and Policy Management Branch)**

No concerns.

**Conservation (Wildlife and Ecosystem Protection Branch)** reviewed the submitted proposal. The Department has the following comments:

The Biodiversity Conservation Section of the Wildlife and Ecosystem Protection Branch has reviewed the proposal, and offers the following comments. The proponent does not seem to have done a search for rare or endangered species either on site or from the CDC. We would recommend that a search be done since a large portion of this property appears to have 'numerous clumps of bushes' which may 'indicate deer, rabbits and other mammals in the area'. Although we have no occurrences at this time in the database for this specific quarter section, the region does support Burrowing Owl and Northern Prairie Skink. A survey of the site prior to development may be appropriate due to the apparent undisturbed nature of the majority of the site.

The map and description included in this Environmental Act License does not clearly outline what portion of the section will be taken up by this development. Figure 2 is not adequate to explain the extent of the proposed development. Perhaps inclusion of an air photo with the development area super imposed on it would more clearly outline the intended area.

The information provided in this letter is based on existing data known to the Manitoba CDC of the Wildlife and Ecosystem Protection Branch at the time of the request. These data are dependent on the research and observations of our scientists and reflects our current state of knowledge. An absence of data does not confirm the absence of any rare or endangered species. Many areas of the province have never been thoroughly surveyed, therefore the absence of data in any particular geographic area does not necessarily mean that species or ecological communities of concern are not present. The information should not be regarded as a final statement on the occurrence of any species of concern, nor should it substitute for on-site surveys for species or environmental assessments. Also, because the Biotics database is continually updated and because information requests are evaluated by type of action, any given response is only appropriate for its respective request.

Disposition:

With respect to request for aerial photography of the site, it is suggested that having the proponent provide this document may not necessarily add any additional information since the extent of the actual licensed facility is quite small.

With respect to concerns for rare or endangered species, a requirement to conduct a survey prior to construction can be incorporated into the draft licence.

**Manitoba Culture, Heritage, Tourism and Sport** reviewed the submitted proposal. The Department has the following comments:

No concerns with regard to this project's potential to impact heritage resources. If at any time however, significant heritage resources are recorded in association with these lands during development, the Historic Resources Branch may require that an acceptable heritage resource management strategy be implemented by the developer to mitigate the effects of development on the heritage resources.

**Manitoba Infrastructure and Transportation**

No concerns.

**Manitoba Intergovernmental Affairs** reviewed the submitted proposal. The Department has the following comments:

Our office has no concern with the proposed crop protection warehouse given the enclosed information on the Environment Act Proposal Form.

Because of the Upper Assiniboine Delta Aquifer and its sensitivity to ground water pollution the design, materials and construction of the chemical warehouse should take this fact into consideration in order to prevent contamination of the ground water in that area.

**Science, Technology, Energy and Mines**

No concerns.

**Water Stewardship** reviewed the submitted proposal. The Department has the following comments:

Prior to beginning construction of the proposed development, the proponent is required to submit an application for a Water Rights Licence to Construct Water Control Works, including the submission of an engineered drainage plan, prepared by a Professional Engineer, registered to practice in the Province of Manitoba.

A contact person is Mr. Ed MacKay, C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Water Stewardship, 1129 Queens Avenue, Brandon, Manitoba R7A 1L9, telephone: (204) 726-6226, email: ed.mackay@gov.mb.ca.

The proponent must ensure that the operational warehouse meets or exceeds the guidelines of the Agrichemical Warehousing Standards Association (AWSA) for certification.

The proposed warehouse will have a secondary containment with a gated control mechanism. This gated control mechanism must remain in the closed position unless authorized by Manitoba Conservation. No potentially contaminated water must leave the proponent's property unless authorized by Manitoba Conservation. Where there is a

concern that accumulated water is contaminated, the liquid should be sampled prior to release.

Potentially contaminated water cannot be released until such time as Manitoba Conservation receives and reviews water sample results from a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc. (CALA). Water samples must be taken from any source on the Proponent's property, or adjacent properties that might have been contaminated by fire fighting efforts or spillage.

The Proponent identifies that aviation fuel will be stored on a 15' x 20' paved pad. This pad should, at minimum, hold 110 % of the contents of one 990 gallon fuel storage container.

The proponent must develop and implement an Emergency Response Plan.

Disposition:

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

**PUBLIC HEARING:**

No public hearing will be conducted.

**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. 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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March 29, 2010

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