

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPONENT:** Agassiz Resource Management Ltd. and  
Kroeker Farms Ltd.

**PROPOSAL NAME:** Kroeker Farms Irrigation Project  
**CLASS OF DEVELOPMENT:** Two  
**TYPE OF DEVELOPMENT:** Water Development and Control  
**CLIENT FILE NO.:** 5477.00

### **OVERVIEW:**

The Proposal was received on July 5, 2010. It was dated June 29, 2010. The advertisement of the proposal was as follows:

“A Proposal has been filed by Agassiz Resource Management Ltd. and Kroeker Farms Ltd. to build a 160 acre-foot reservoir for the purposes of storing and supplying water for irrigation to surrounding land. The proposed site for the new reservoir is NW 24-4-6 W and is located to the south and west of a stretch of the North Shannon Creek, in the Rural Municipality of Thompson. The reservoir will become part of an existing irrigation project to irrigate up to 234 hectares (577 acres) annually in a 1:3 rotation on a land base of approximately 590 hectares (1459 acres). The reservoir will be filled by diverting 160 acre-ft of water from the Duncan Dam on Graham Creek at NW 25-4-6W. Additionally, an existing 100 acre-ft water rights license from the North Shannon Creek will also provide water for irrigation.”

The Proposal was advertised in the Morden Times and the Carman Valley Leader on July 23, 2010. It was placed in the Main, Winnipeg Public Library (Millenium), Eco-Network and South Central Regional Library (Morden) public registries. It was distributed to TAC members on July 19, 2010. The closing date for comments from members of the public and TAC members was September 3<sup>rd</sup>.

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

No public comments were received.

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

#### **Manitoba Water Stewardship**

- Concerning Reservoir and Pipeline Construction:

- all construction activities need to be performed in a manner that prevents sediment and other contaminants from entering surface water courses
- reservoir design and capacity need to be adequate to prevent overflow/ breaching during exceptionally wet years so that reservoir water does not re-enter surface water courses.
- Concerning the Management of New Irrigated Land:
  - Nutrient applications are to be in accordance to the *Nutrient Management Regulation* under *The Water Protection Act*. Effective January 1, 2011, a Nutrient Management Plan must be registered with Manitoba Water Stewardship if:
    - Nutrients will be applied to any field that exceeds the residual soil nitrate-nitrogen limits listed in the *Nutrient Management Regulation* for Nutrient Management Zones (NMZ) N1, N2, and N3. The region of Loewen soil (NMZ N3) on NW 36-4-6 W1 will need special attention as NMZ N3 soils have a post harvest residual Nitrate-Nitrogen limit of only 33.6 kg/ha.
    - Nutrients will be applied to any field resulting in soil test phosphorus measuring 60 ppm or more within Nutrient Management Zones N1, N2, and N3 and the phosphorus application rates listed in the *Nutrient Management Regulation* are not achievable.
    - Representative post harvest soil samples from each nutrient management zone in each field (0-6” Olsen Phosphorus and 0-24” for Nitrate-Nitrogen) should be taken and the soil test results included in the annual report.
    - The *Nutrient Management Regulation* prohibits the application of nitrogen and phosphorus in the Nutrient Buffer Zones which include roadside ditches and any first or second order drains (also considered to be within NBZ). This needs to be taken special note of when fertigation through irrigation systems is practiced so as to prevent irrigation water from entering the ditch via endguns or runoff.
  - The Licencee shall comply with Manitoba Water Stewardship’s Wetland Policy:
    - The net loss of semi-permanent or permanent wetlands shall not occur. Wetlands are defined as areas that are periodically or permanently inundated by surface or ground water long enough to develop special characteristics including persistent water, low-oxygen soils, and vegetation adapted to wetland conditions. These

include but are not limited to swamps, sleughs, potholes, marshes, bogs and fens.

- A proponent shall establish and maintain a buffer zone with at least a 15-metre width.
- In order to protect riparian areas, establish and maintain an undisturbed native vegetation area located upslope from the ordinary high water mark and adjacent to all waterbodies and waterways connected to the provincial surface water network:
    - A 15-metre undisturbed native vegetation area is recommended for lands located adjacent to surface waters;
    - Permanent development is prohibited within an undisturbed vegetation area;
    - The combined alteration—including new and existing structures—within this undisturbed native vegetation area is limited to a maximum of 25 % of the shoreline length (for example: 25 metres per 100 metres of shoreline length) of each lot for a boat house, path, dock, etc.; and,
    - Alteration within this undisturbed native vegetation area—including a dock and/or the removal of near shore or stream aquatic habitat—shall not occur unless an activity conforms to a Department of Fisheries and Oceans Canada Operational Statement or an activity is reviewed by the Department of Fisheries and Oceans Canada.

Manitoba Water Stewardship submits the following comments:

- Manitoba Water Stewardship does not object to this proposal, at this time.
- Both Graham Creek and North Shannon Creek provide seasonal fish habitat for fish further downstream. In Graham Creek, brook stickleback, central mudminnow, fathead minnow, northern pike and white sucker have been found. In North Shannon Creek, fathead minnows are present. More tolerant forage fish species may be present in the upstream “in-channel” reservoirs and reaches when water is available.
- The Manitoba Department of Water Stewardship is mandated to ensure the sustainable development of Manitoba’s water resources. Manitoba Water Stewardship is committed to the goals of: protecting aquatic ecosystem health; ensuring drinking water is safe and clean for human health; managing water-related risks for human security; and stewarding the societal and economic values of our waterways, lakes and wetlands;

for the best water for all life and lasting prosperity. Manitoba Water Stewardship achieves these goals, in part, through administering legislation, including *The Water Protection Act*, *The Water Rights Act*, and *The Water Power Act*.

- *The Water Rights Act* requires a person to obtain a valid licence to control water or construct, establish or maintain any “water control works.” “Water control works” are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert borehole or contrivance for carrying or conducting water, that temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage, OR changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage. If a proposal advocates any of the aforementioned activities, a person is required to submit an application for a Water Rights Licence to Construct Water Control Works. A person may contact the following Water Resource Officer to obtain an application and/or obtain information.
  - A contact person is Mr. Geoff Reimer C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Water Stewardship, Box 4558, Stonewall, Manitoba R0C 2Z0, telephone: (204) 467-4450, email: geoff.reimer@gov.mb.ca.
- The proponent needs to be informed that if the proposal in question advocates any construction activities, erosion and sediment control measures should be implemented until all of the sites have stabilized.
- The Manitoba Department of Water Stewardship’s recent policy direction recommending Public Reserves to protect water is founded, in part, on the 135 recommendations in the Lake Winnipeg Stewardship Board’s (December 2006) report titled, “Reducing Nutrient Loading to Lake Winnipeg and its Watershed, Our Collective Responsibility and Commitment to Action.” All 135 recommendations were accepted in principle by the Minister of the Manitoba Department of Water Stewardship, on behalf of the Government of Manitoba.
- Maintaining an undisturbed native vegetation area immediately adjacent to the shoreline of lakes, rivers, creeks, and streams helps stabilize banks, provides aquatic and wildlife habitat and protects water quality through filtering overland runoff. The width of an undisturbed native vegetation area should be the widest width possible and practical. In conjunction with other best management practices such as eliminating fertilizer use adjacent to surface waters, and the proper management and disposal of waste water, maintaining an undisturbed native vegetation adjacent to waterbodies is important to help prevent degradation of water quality.

Disposition: Comments were forwarded to the proponent for information. Several comments regarding riparian areas and erosion can be addressed through licence conditions.

### **Manitoba Conservation, Air Quality Section**

The proposed project will generate PM (dust) during construction from earthmoving, material handling/transport and emissions from heavy equipment and vehicles. However, they can be addressed in EA License clauses.

Disposition: Comments were forwarded to the proponent for information.

### **Canadian Environmental Assessment Agency**

The project information that was provided by Manitoba Conservation has been reviewed by the Canadian Environmental Assessment Agency (CEAA) and was shared with the following federal departments; the Department of Fisheries and Oceans, Transport Canada, Agriculture and Agri-food Canada, Health Canada and Environment Canada. Based on the responses to the survey the application of the *Canada Environmental Assessment Act* (the Act) by a federal authority **may be** required for this project.

Transport Canada has reviewed the project description provided and determined that an Approval pursuant to the *Navigable Waters Protection Act* may be required. TC has requested the proponent submit an application to the NWP Office to determine its requirements for this project.

The Department of Fisheries and Oceans (DFO) has not determined its interest in this project. When I receive a formal response from DFO I will inform you in writing.

Disposition: Comments were forwarded to the proponent for information.

### **PUBLIC HEARING:**

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

### **RECOMMENDATION:**

All comments received on the Proposal can be addressed as licence conditions or have been forwarded to the proponent 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 recommended that the licence be issued jointly to Agassiz Resource Management Ltd. and Kroeker Farms Ltd as owners of the development as defined in the Proposal. It is further recommended that enforcement of the Licence be assigned to the Central Region.

PREPARED BY:

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