

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Corduroy Plains Ltd.
PROPOSAL NAME: Corduroy Plains Irrigation Project
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 5575.00

OVERVIEW:

The Proposal was received on March 13, 2012. It was dated March 12, 2012. The advertisement of the Proposal was as follows:

“A Proposal has been filed by Corduroy Plains Ltd. to expand an existing irrigation project northwest of Carman. The project area is located north of PR 245 and west of PTH 13. A further eight quarter sections would be added to the existing project’s landbase, expanding it to 1130 hectares. The land would be irrigated when potatoes were being grown, on a one year in three basis, with a maximum annual area of 397 hectares. Water for the project would be supplied by the Boyne River. A new off channel reservoir in NW 34-6-5W with a capacity of 320 cubic decameters would be constructed, and filled during the spring runoff period each year. The remaining water needs of the project would continue to be met by summer pumping. The project would be constructed in the summer and fall of 2012 for operation in 2013.”

The Proposal was advertised in the Carman Valley Leader on Thursday, April 19, 2012. It was placed in the Main, Millennium Public Library (Winnipeg) and Eco-Network public registries, and in the office of the Rural Municipality of Dufferin. It was distributed to TAC members on April 13, 2012. The closing date for comments from members of the public and TAC members was May 17, 2012.

COMMENTS FROM THE PUBLIC:

Art Poppe In connection with the plans off building a new off channel reservoir in NW 34-6-5 W by Corduroy Plains LTD, I want to bring the following ideas to your attention;

The plan has good merits, because when the amount of 320 cubic decameters can be diverted for later use it helps to avoid downstream flooding.

To use water to enhance crops to grow is a sustainable, enviromental friendly endeavor.

The location does not directly interfere with neighbours.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation and Water Stewardship – Sustainable Resource and Policy Management Branch and Lands Branch

No concerns.

Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch

No comments.

Manitoba Conservation and Water Stewardship – Wildlife and Ecosystem Protection Branch

The Wildlife Branch has reviewed the environmental assessment Client File (5575.00) for the proposed Corduroy Plains Irrigation Project, and provides the following comments:

- It would be valuable to apply Wildlife Branch draft *Habitat Mitigation Program* to this project. While it is apparent from the environmental impact assessment that on-site mitigation measures will be used to minimize the negative impacts to the environment, the loss of native upland habitat will substantial negative affect on wildlife species in this region.
- On page 20 of the EA the report states that approximately 19 ha (47 acres) of land will need to be cleared in order to develop the irrigated fields. On-site habitat mitigation could be achieved if the proponent were to convert 19 ha of the non-irrigated field corners to a permanent cover mix (seeded grasslands, shrubs).
- The proponent proposes to utilize a large volume of a publicly own resource (water), and should be compelled to ensure they maintain the principle of no-net-loss of valuable and increasingly rare natural cover in this watershed.

The proponent is encouraged to contact Manitoba Conservation – Habitat Mitigation Biologist, Jonathan Wiens at jonathan.wiens@gov.mb.ca or 204-945-7764 to discuss details.

Disposition:

These comments were provided to the proponent’s consultant for follow-up.

Manitoba Conservation and Water Stewardship - Water Stewardship Division

- The Water Stewardship Division requires an *Environment Act* Licence to include the following:
 - The Licencee shall develop and implement an emergency response plan, with contact information, that includes directions to immediately contact the Town of Carman public water system, immediately upon the release of a hazardous substance.

- Note the upstream proximity of the proposed irrigation system to the Town of Carman raw water intake.
- The Water Stewardship Division submits the following comments:
 - The Water Stewardship Division does not object to the approval of this proposal, at this time.
 - The proponent needs to be informed of the following for information purposes:
 - Erosion and sediment control measures should be implemented until all of the sites have stabilized.
 - *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 Conservation and Water Stewardship, Box 4558, Stonewall, Manitoba R0C 2Z0, telephone: (204) 467-4450, email: geoff.reimer@gov.mb.ca.

Disposition:

The comment concerning an emergency response plan can be addressed as a standard licence condition for spill reporting. The other comments were provided to the proponent’s consultant for information.

Manitoba Conservation and Water Stewardship - Water Stewardship Division
(supplementary comments)

The Water Stewardship Division of the Manitoba Department of Conservation and Water Stewardship has reviewed the referenced file, forwarded for comment on April 13, 2012. The purpose of this correspondence is to provide comments, in addition to the response submitted on May 17, 2012.

- The decision to issue an *Environment Act* Licence needs to be deferred until instream flow needs are determined for the Boyne River.
- An *Environment Act* Licence shall include the following:
 - The Licencee shall construct reservoirs to achieve a maximum hydraulic conductivity of 1×10^{-7} cm/s, including implementing a liner of compacted clay or other approved material.
 - The Licencee shall implement water intake, end of pipe, screening requirements, as instructed by the Director.
- The concerns with the proposed development are:
 - While the proposal indicates the Boyne River is not managed for the protection of fish habitat through the maintenance of a specified instream flow need during summer; provision of instream flow needs for fisheries is a mandate of the Fisheries Branch, Manitoba Conservation and Water Stewardship. The Fisheries Branch's Fisheries Management Objectives in that area are to ensure a continuation of the prairie stream fish community (including suckers and northern pike). The Boyne River supports all life stages for several large (sport) and small-bodied fish species, this is currently a highly altered system and increased demands by users continue to strain this river. Due to the aforementioned factors, Manitoba Conservation and Water Stewardship has identified the Boyne River as a priority for determining instream flow needs.
 - As noted in the report by North South while the current minimum instream flow needs may meet the requirements for spring spawning, "sustained productivity in the stream would require that sufficient flows persisted after the spawning season to support life processes such as migration of adults and incubation, hatching and rearing of larvae." As the applicants propose to withdraw water well into June, if required, and during July to September in water deficit periods, a time that is also generally reflective of low water availability in streams, this further compromises any ability for the river to sustain productivity.
 - The Stephenfield Watershed Plan notes that while spring runoff provides additional water capacity by diverting from spring flows to off channel reservoirs, the Boyne River's firm annual water supply is fully developed and disruption of spring flows has the potential to significantly affect

channel morphology. Reduced flows may result in siltation, vegetation encroachment, and narrowing of the channel, which can reduce the flood carrying capacity of the channel as well as the amount of stream habitat.

- The proponent proposes to withdraw during the spring freshet or a “92 day pumping window” (April 1st to June 31st). This window overlaps into the spring spawning window for southern Manitoba (April 1st to June 14th). This is a very time sensitive period due to the potential to impinge/entrain spring spawning fish eggs and larvae.
- The proponent indicates that the existing intake, which is apparently not part of this proposal, adheres to the end of pipe screen requirements for withdrawals. However, these screening requirements are for the protection of fish 25mm and larger, which does not address many spring spawning fish eggs and larvae (e.g. walleye eggs are ~1.5-2.1 mm and fry are 5.8-8.7 mm). The proponent needs to implement new water intake, end of pipe, screening requirements.
- The proponent has not analyzed cumulative impacts. A Memorandum of Understanding, signed in 1996, between Manitoba Water Resources and the Agassiz Irrigation Association (the Boyne River is included in the study area), acknowledged that “one-half of the 80% run-off volume of each intermittent stream in the study area should be allocated to uses for irrigation purposes.” For the Boyne River, North South indicated 80% spring runoff volume is approximately 7,400 dam³ and one-half of the spring runoff volume is approximately 3,700 dam³. It should be noted that the Boyne River, located downstream from the Stephenfield Reservoir, is not considered an intermittent stream.
- Clarification is requested for the following questions:
 - Are existing and proposed developments nearing the capacity noted in the Memorandum of Understanding, signed in 1996, between Manitoba Water Resources and the Agassiz Irrigation Association?
 - Sixteen years after this Memorandum of Understanding was signed, are the capacity values still valid? Will the capacity values adequately maintain the hydrologic regime of the Boyne River?

Disposition:

Several of these comments can be addressed through licence conditions. Comments concerning water allocation and instream flow requirements will be considered jointly with Water Use Licensing staff, and addressed in both regulatory processes.

Manitoba Conservation and Water Stewardship – Environmental Programs and Strategies Branch, Air Quality Section No air quality related comments or concerns.

Manitoba Conservation and Water Stewardship – Environmental Compliance and Enforcement Branch

At this point in time, we have no concerns with the operation, using electric pumps, or petroleum storage issues. A suggestion for the construction, is that standard clauses be used to address compliance with petroleum storage & OWMS regulations. A suggestion for monitoring, is they record water withdrawn from Boyne River with a meter and monitor groundwater pesticides and nutrients. This information should be available if requested by MB Con & WS. The concern is water drained from the tile drained fields may contain nutrients.

Disposition:

Standard clauses can be used as suggested to address the concerns identified.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch No concern with the development as proposed.

Manitoba Agriculture, Food and Rural Initiatives - Crops Branch

The project describes an irrigation project that includes 23 land parcels. 15 of these parcels are already under irrigation either as part of water rights licence 2010-058.

There are 8 new parcels of land being added to the project.

In the summary of individual parcels, section 4.1.4 the proponent provides a summary of special management concerns for each land unit in the study area.

The concerns that require special management includes the risks of erosion, dealing with soils that have low water and nutrient holding capacity and drainage limitations.

The summary of the practices being used include erosion control methods, nutrient management practices including fertigation and tile drainage.

The environmental concerns associated with the production of irrigated crops on the soils planned to be irrigated in the study area should be able to be dealt with in the terms and conditions of the Environment Act Licence.

Disposition:

Agronomic practices to provide environmental protection can be addressed through licence conditions.

Canadian Environmental Assessment Agency I have undertaken a survey of federal departments with respect to determining interest in the project noted. I can confirm that the project information provided was distributed to all federal departments with a potential interest. Based on the responses to the survey the application of the *Canadian Environmental Assessment Act* (the Act) by a federal authority may be required for this project. I have enclosed copies of the received responses for your file.

The project information was shared with the Department of Fisheries and Oceans (DFO), Transport Canada (TC), Agriculture and Agri-Food Canada (AAFC) and Environment Canada (EC) as part of the federal coordination process.

In order to determine its interest in the project, TC requested more project information from the proponent. The request from TC was emailed to Shaun Moffat of KGS on May 5th, 2012.

DFO has reviewed the project information provided and determined that it is not a responsible authority (RA) for the project. DFO has provided some specialist advice regarding impacts to fish and fish habitat in an email. Please see the attached email for DFO's recommendations.

Both AAFC and EC have indicated they are not RAs for the project, but each could contribute its expert knowledge to an RA if requested. EC has an interest in the project, and would like to be kept informed of the provincial review process.

ADDITIONAL INFORMATION:

No additional information was required to address TAC comments. A copy of a land suitability assessment report referenced in the proposal was requested on behalf Manitoba Agriculture, Food and Rural Initiatives.

PUBLIC HEARING:

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

CROWN-ABORIGINAL CONSULTATION:

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right of that First Nation, Métis community or other Aboriginal community.

The Corduroy Plains Irrigation Project proposal involves the expansion of an existing irrigation system on privately owned land in an agricultural area. Adverse effects on surface water or habitat for wildlife or fisheries are not anticipated.

Since resource use is not affected by the project, it is concluded that Crown-Aboriginal consultation is not required for the project.

RECOMMENDATION:

All comments received can be addressed as licence conditions or have been provided to the proponent for information. 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 Central Region.

PREPARED BY:

Bruce Webb
Environmental Approvals Branch – Energy, Land and Air Section
May 25, 2012 Updated June 7, 2012
Telephone: (204) 945-7021
Fax: (204) 945-5229
E-mail: bruce.webb@gov.mb.ca