

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Rural Municipality of Stuartburn and Rural Municipality of Franklin

PROPOSAL NAME: R.M. of Stuartburn and R.M. of Franklin Intermunicipal Storm Water Drain Upgrade

CLASS OF DEVELOPMENT: Two

TYPE OF DEVELOPMENT: Water Development and Control

CLIENT FILE NO.: 5081.00

OVERVIEW:

The Proposal was received on December 24, 2004. It was dated December 23, 2004. The advertisement of the proposal was as follows:

“A Proposal has been filed by the rural municipalities of Stuartburn and Franklin for the construction and operation of an upgraded municipal drainage and flood control channel proposed to extend south from the Roseau River a distance of seven miles along the boundary between the two municipalities. The project would improve the capacity of the existing drainage channel to convey a one in ten year flow event from spring snowmelt or summer precipitation. The drainage area of the project is approximately 40 square kilometres, situated on the east side of the proposed channel in the Rural Municipality of Stuartburn. The project would also involve the reconstruction of the municipal road along the drain alignment. Construction is proposed for the summer of 2005.”

The Proposal was advertised in the Emerson Southeast Journal on Tuesday, February 1, 2005. It was placed in the Main, St. James-Assiniboia Public Library, Eco-Network and Jake Epp Public Library (Steinbach) public registries. It was distributed to TAC members on January 24, 2005. The closing date for comments from members of the public and TAC members was March 3, 2005.

COMMENTS FROM THE PUBLIC:

No public comments were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Conservation – Sustainable Resource Management

Text in 2.6.1 does not clearly state that the vegetation in some areas near the drain consists of native tall-grass prairie communities. Efforts should be made to ensure that these plant communities are not destroyed or degraded as a result of this proposed project. It is the responsibility of the proponent to inspect the construction site prior to and during construction to determine if any rare or endangered plant and animal species may be impacted. If species of concern are present, the proponent must contact the Biodiversity Section of the Wildlife and Ecosystem Protection Branch.

The report states in 2.6.1.1 that measures to protect and recover two species (Riddell's goldenrod and the small white lady's-slipper) have been implemented is not entirely accurate. The Tall Grass Prairie Preserve does protect some of the known locations of these species but recovery strategies have not been developed. There is an additional need for this species to be adequately protected and managed to ensure their continued existence in the area.

The statement in Section 2.6.2.1 about the Powesheik Skipperling and the Dakota skipper having no further classification is not accurate. According to the federal government's SARA Registry website, these have both been assigned a rank of Threatened by COSEWIC. This has not been indicated in Table 4.0.

Section 2.7 is incorrectly labeled on the maps in the document. What is diagrammed is the management area within which the Preserve Management Committee operates. Also, the Stuartburn WMA is often considered as being part of the Preserve for planning purposes. Not all of the land shown in Figure 2.12 is actually part of the Preserve; the majority of the shaded area in that map is privately held.

The proposal does not mention that NCC lands in the RM have been enrolled in the Manitoba Government's Protected Areas Initiative and are legally protected from resource extraction and may be protected from other activities that may adversely affect habitat.

In Section 4.4 Terrestrial Environment, the report states that the Manitoba Tall Grass Prairie Advisory Committee was not concerned about the project provided that it does not introduce materials onto the lands or affect the groundwater regime of the area. In fact the committee has asked to review the report and has identified three issues. A debris management plan should be part of the project and water quality in the Roseau River should be monitored. The proponent should establish a monitoring program to study any impacts that may occur on the endangered orchids as a result of any changes to the amount of water on the Preserve properties.

The application does not provide sufficient project description detail to determine if the project will be contained within the existing drain right-of-way or if additional lands are needed.

The conclusion that the project will not have any adverse environmental effects is based on the assertion: "The project was not designed to increase drainage of wetlands or surface water impoundments" (page 24) However, little evidence is provided to support this or why the project is needed if it will not alter existing drainage. More information is also needed on why drainage problems have arisen if existing drainage is adequate. It is imperative that the proponent does not alter the hydrology of the area.

The application proposes to revegetate disturbed sites with an agronomic species mix that includes at least one species known to be an invader of native prairie sites. This is inappropriate for re-vegetating land bordering this nationally recognised, ecologically significant area. A native species mix should be used, at least where the drain borders native habitats, if not throughout its length.

There are two areas that need to be updated prior to the proposal being implemented:

1. The current plan profiles provided with the EAP (at least the first page of the nine) need to be reflective of the most recent plans. The plan provided indicates to "armour channel to Roseau River". It is understood the final version reflects leaving the natural streambed from 3+50 to the outlet.
2. A number of culvert crossings are being replaced and it was recommended the proponents adhere to the Federal/Provincial Manitoba Stream Crossing Guidelines. This is not reflected in the proposal.

The proposal does not answer concerns regarding the drawdown of the groundwater table. The portion of the drain adjacent to the Tall Grass Prairie Preserve will have a three metre base. A three metre deep drain may thus intersect the water table in the vicinity of the Preserve. In addition, the groundwater table may have serious negative impacts on sedge meadows and rare species that utilize the wetland/upland interface.

A biodiversity sampling plan should be incorporated into the monitoring design to detect early signs of ecological degradation.

Disposition:

Additional information was requested to address most of these comments. Some of the comments can be addressed through licence conditions.

Water Stewardship – Water Quality Management

In the scope of the assessment, the proponent presents a number of potential environmental effects that would be associated with the proposed upgrades to the intermunicipal drain, however, the effects to water quality, either in the drain or in the receiving main stem of the Roseau River, were not included in the assessment. The Water Quality Management Section, in conjunction with SPADA (Stuartburn, Piney, Agricultural Development Association) and Manitoba Agriculture have collected extensive water chemistry from numerous sites along the Roseau River, as well as from contributing drains. These data were provided to SPADA.

In general, water chemistry in drains that contribute to the Roseau River is very poor. Concentrations of nutrients from various sites along the main stem of the Roseau River indicate cumulative impacts are occurring, and likely, in part, due to the contributions of poorer water quality from drainage ditches within the watershed.

It would appear that the primary purpose of the reconstruction and operation of this intermunicipal drain is to direct overland flow, generated from rain events, and spring runoff, to the Roseau River. Thus, nutrients carried from agricultural activities during precipitation events will eventually enter the Roseau River. The proponent has provided no information or direction on how nutrient contributions in the drain might be mitigated. Increasing the capacity of this drain and altering the flow regime will likely further deteriorate the water quality within the Roseau River.

The proponent states that no wetlands will be intentionally drained as a result of the upgrade, however, wetlands within the intermunicipal drainage area will very likely be affected by the increased capacity / upgrading of the existing drain. Information from provincial drainage maps, aerial photographs, and from 1:50,000 topographical maps indicate numerous low-lying wetland areas and small intermittent watercourses. Indeed, soil information provided by the proponent indicates soils within the drainage area as having severe agricultural limitations due to excess water.

It is recommended that this proposal for upgrading the Franklin Stuartburn intermunicipal drain not receive approval due to the likelihood that this upgrading will contribute excess nutrients to the Roseau River. The Province of Manitoba is committed to reducing nutrients contributions to Lake Winnipeg to their 1970 levels. Although the overall impact from this drainage area to Lake Winnipeg is likely negligible, recent nutrient data indicates cumulative impacts are occurring within the Roseau River which is within the Lake Winnipeg drainage basin.

Disposition:

Additional information was requested to address most of these comments.

Historic Resources Branch

No concerns.

Mines Branch

No concerns.

Highway Planning and Design

No concerns. The Department has participated in planning this project as it involves upgrading of culverts through provincial roads 201 and 209.

Community Planning Branch

No concerns.

Soils and Crops Branch

No concerns.

Canadian Environmental Assessment Agency Project information has been distributed to all federal departments with a potential interest. Copies of the relevant responses are enclosed. The application of the Canadian Environmental Assessment Act (the Act) will be required for this project. Western Economic Diversification (WD) and Fisheries and Oceans Canada (DFO) have indicated that they will be required to complete a federal environmental assessment pursuant to the Act. Please also note that Environment Canada has indicated that they would be able to offer specialist advice with respect to the project review, if requested. Both WD and DFO will work closely with Manitoba Conservation to identify and review the environmental assessment information that is prepared and submitted by the proponent. DFO will have a particular interest in any environmental effects of the project that will impact on fish and fish habitat, so the proponent should prepare additional information to address these issues.

Disposition:

DFO indicated on April 12, 2005 that no further information was required to address fish and fish habitat effects.

ADDITIONAL INFORMATION:

Additional information was requested on April 14, 2005 to address TAC comments. The attached reply dated April 21, 2005 was received. The additional information addresses most of the comments. An inspection of the project area was conducted with Wildlife and Ecosystem Protection Branch staff on April 26, 2005 to obtain a better understanding of land use along the drainage route and how the project might affect protected lands adjacent to the drain. The results of the inspection were also discussed with Water Quality Management staff. It was agreed that monitoring of water quality and vegetation changes should be conducted during and after construction to confirm the assertions of the additional information. Monitoring requirements can be addressed as licence conditions.

PUBLIC HEARING:

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

RECOMMENDATION:

All comments received on the Proposal have been addressed in the additional information or can be addressed as licence conditions. 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 Red River Region.

PREPARED BY:

Bruce Webb

Environmental Assessment and Licensing Branch

Land Use Section

May 12, 2005

Telephone: (204) 945-7021 Fax: (204) 945-5229 E-mail: bwebb@gov.mb.ca