

Webb, Bruce (CWS)

To: Steele, Tania (CWS)
Subject: RM of Woodlands Water Distribution System File: 5758.00

The attached information can be placed in the public registries for the above project:

Request for additional information: email of May 6, 2015 to the Manitoba Water Services Board (4 pages)

Public comments on Environment Act Proposal: no public comments received.

Technical Advisory Committee comments on Environment Act Proposal: (15 pages)

Manitoba Conservation and Water Stewardship – Environmental Programs and Strategies, Air Quality Section, April 29, 2015

Manitoba Conservation and Water Stewardship – Lands Branch, April 30, 2015

Manitoba Conservation and Water Stewardship – Lands Branch, Land Management and Planning Section, April 2, 2015

Manitoba Conservation and Water Stewardship – Parks and Protected Spaces Branch, April 7, 2015

Manitoba Conservation and Water Stewardship – Wildlife Branch, April 27, 2015

Manitoba Conservation and Water Stewardship – Water Science and Management Branch, Groundwater Management Section, April 9, 2015

Manitoba Conservation and Water Stewardship – Office of Drinking Water, April 23, 2015

Manitoba Conservation and Water Stewardship – Water Use Licensing Section, April 2, 2015

Manitoba Conservation and Water Stewardship – Water Control Works and Drainage Licensing Section, April 2, 2015

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch, Environmental Services Section, April 14, 2015

Canadian Environmental Assessment Agency, April 6, 2015

Bruce.

Webb, Bruce (CWS)

From: Webb, Bruce (CWS)
Sent: May-06-15 9:45 AM
To: Genaille, Dee (MMG)
Subject: RM of Woodlands Water Distribution System File: 5758.00

The preliminary review of the above project has been completed. No public comments were received on the proposal. Two related comments from the Technical Advisory Committee (TAC) require additional information:

- On which side of PTH 6 is it anticipated that the pipeline will be installed? What mitigation measures would be used to address the potential presence of rough agalinis (*Agalinis aspera*) in the highway right-of-way?

Context on this request is provided below, along with other items identified by the TAC for information.

Manitoba Conservation and Water Stewardship – Wildlife Branch

The Wildlife Branch has reviewed the Environment Act Proposal for the RM of Woodlands Water Distribution System (File # 5758.00) and would like to express the following concerns:

- 1) The proposal does not include the species of concern request from the Manitoba Conservation Data Centre that most other Environment Act Proposals contain. Multiple patches of *Endangered* rough agalinis (*Agalinis aspera*) occur within the project area, yet have not been identified in the proposal. This species is protected both provincially under the *Endangered Species and Ecosystems Act* and federally under the *Species at Risk Act* (see below for more details).
- 2) The proposal states the following:

“Potential effects to vegetation are considered to be negligible” (4.0 Potential Environmental Effects, 4.6 Vegetation).

The proposed project may have severe negative effects on *Endangered* rough agalinis in the area, depending on the placement of the associated distribution line and reservoirs. The exact locations of this infrastructure is not identified in proposal, so the Wildlife Branch cannot advise with any certainty that this species will or will not be affected. The majority of known rough agalinis patches in the area occur in the northeast ditch of Hwy 6 between Grosse Isle and Woodlands, and our suggestion would be that the pipeline be installed in the southwest ditch. We also would need to know the exact location of the proposed reservoirs to determine any potential impacts that construction may have.

- 3) The proposal also states the following:

“Re-establishment of vegetation will occur as soon as possible on disturbed areas. Impacts to wildlife habitat can be limited by minimizing the area of construction, soil disturbance and vegetation disturbance.” (5.0 Environmental Management Measures, 5.5 Vegetation and Wildlife)

Based on the above noted endangered species concerns, this project will require a more in-depth management plan. The Wildlife Branch is willing to work with the proponent to develop an adequate site plan and mitigation measures.

- 4) We'd like to express our concerns with the information that was used to assess the wildlife community in the study area:

"Characteristic mammals in the Prairies Eco-zone include mule deer, elk, coyote, pronghorn antelope, badger, white-tailed jack rabbit, Richardson's ground squirrel and the northern pocket gopher. The main bird species include ferruginous hawk, Swainson's hawk, American avocet, burrowing owl, great blue heron, black-billed magpie, northern oriole, veery and brown thrasher (National Ecological Framework Report). The CLI classification for this area is 4 to 5 which indicates there is slight to moderately severe limitations to waterfowl production (Agriculture and Agri-Food Canada)." (3.0 Physical Environment, 3.5 Wildlife Habitat and Vegetation)

The Prairies eco-zone is broad area, and any assessment should discuss wildlife communities at the eco-region and/or eco-district level, since species distribution and abundance can vary throughout such a large area. Many of the 'characteristic' species mentioned, including mule deer, pronghorn antelope, burrowing owl, and ferruginous hawk, do not occur within the study area. Furthermore, the above noted species are all listed provincial under the *Endangered Species and Ecosystems Act*, so if they were in fact characteristic of the study area, there should have been mention of species-at-risk status and any concerns about potential impacts of the project.

Please be advised that rough agalini is listed as *Endangered* under both Manitoba's *Endangered Species and Ecosystems Act* and by the *Committee on the Status of Endangered Wildlife in Canada (COSEWIC)* receiving protection under Canada's *Species at Risk Act*:

The Endangered Species and Ecosystems Act

Endangered species

8(1) Where the Lieutenant Governor in Council determines that a species indigenous to Manitoba is threatened with imminent extinction or with extirpation throughout all or a significant portion of its Manitoba range, the Lieutenant Governor in Council may, by regulation, declare the species an endangered species.

Prohibition

10(1) No person shall

- (a) kill, injure, possess, disturb or interfere with a member of an endangered species, a threatened species, or an extirpated species that has been reintroduced;
- (b) destroy, disturb or interfere with the habitat of an endangered species, a threatened species or an extirpated species that has been reintroduced; or
- (c) damage, destroy, obstruct or remove a natural resource on which an endangered species, a threatened species or an extirpated species that has been reintroduced depends for its life and propagation.

Offence and penalty

13(1) A person who contravenes a provision of this Act is guilty of an offence and is liable on summary conviction,

- (a) in the case of an individual, to a fine of not more than \$50,000 or imprisonment for a term not exceeding six months, or both; and
- (b) in the case of a corporation, to a fine of not more than \$250,000.

Species at Risk Act

"endangered species" means a wildlife species that is facing imminent extirpation or extinction.

MEASURES TO PROTECT LISTED WILDLIFE SPECIES

GENERAL PROHIBITIONS

Killing, harming, etc., listed wildlife species

32. (1) No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.

Damage or destruction of residence

33. No person shall damage or destroy the residence of one or more individuals of a wildlife species that is listed as an endangered species or a threatened species, or that is listed as an extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada.

OFFENCES AND PUNISHMENT

Offences

97. (1) Every person commits an offence who

- (a) contravenes subsection 32(1) or (2), section 33, subsection 36(1), 58(1), 60(1) or 61(1) or section 91 or 92;
- (b) contravenes a prescribed provision of a regulation or an emergency order;
- (c) fails to comply with a term or condition of a permit issued under subsection 73(1); or
- (d) fails to comply with an alternative measures agreement that the person has entered into under this Act.

Penalty

(1.1) Every person who commits an offence under subsection (1) is liable

(a) on conviction on indictment,

- (i) in the case of a corporation, other than a non-profit corporation, to a fine of not more than \$1,000,000,
- (ii) in the case of a non-profit corporation, to a fine of not more than \$250,000, and
- (iii) in the case of any other person, to a fine of not more than \$250,000 or to imprisonment for a term of not more than five years, or to both; or

(b) on summary conviction,

- (i) in the case of a corporation, other than a non-profit corporation, to a fine of not more than \$300,000,
- (ii) in the case of a non-profit corporation, to a fine of not more than \$50,000, and
- (iii) in the case of any other person, to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

The EAP notes that all applicable Provincial Legislation and Requirements will be fulfilled. I would note that a Permit to Construct or Alter a Public Water System, as called for in *The Drinking Water Safety Act*, will be required before this project can be constructed.

Manitoba Conservation and Water Stewardship – Water Control Works and Drainage Licensing

The *Water Control Works and Drainage Licensing Section* recommends the following:

- 1) All works are constructed in accordance with *Fisheries and Oceans Canada - Operational Statements*.
- 2) The construction schedule avoids critical fisheries time periods of April 15th to June 15th.
- 3) The timing of construction is aimed at eliminating, reducing, or preventing erosion.
- 4) Construction activities are suspended during wet conditions, and performed only during low or no-flow periods.

Please remind the proponent that any water control works (drains, culverts, dykes, dams, etc.) associated with this project will require licensing under the *Water Rights Act* – an application is attached for the proponent's convenience. Any inquiries in this regard may be directed to the local *Water Resource Officer*. Their contact information may be found at:

http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/areas_of_focus_jan_23_12.pdf

Manitoba Infrastructure and Transportation - Highway Planning and Design Branch, Environmental Services Section

MIT has reviewed the proposal under the *Environment Act* noted above and we have the following comments:

- Depending on which side of PTH 6 and where proposed route joins with other pipelines, it may impact some of the native revegetation MIT conducted near Woodlands.
- The Proponent should also be advised about the native plants that grow wild along PTH 6, especially the Rough Agalinis in the stretch from Grosse Isle to Woodlands, which MIT has taken measures to avoid and/or transferred to a nearby community pasture.
- We would suggest that all disturbed areas be seeded with native plants so as not to undermine the efforts MIT put into native revegetation of the site.
- We would like to remind the Proponent that permits are required from the Highway Traffic Board (for PTH's) or MIT (for PR's) for:
 - o any new, modified or relocated access to a PTH/PR;
 - o any structures (including advertising signs, wells, septic fields, etc.) on, under or above the ground within the Controlled Area adjacent to a PTH/PR;
 - o discharging of water or other liquid materials into a ditch of a PTH/PR; or
 - o placing any trees or plantings within 15.2 metres (50 feet) of the edge of right-of way of any PTH/PR.
- An underground utility agreement with MIT will be required for any utility installation crossing or within the right-of-way of any PTH/PR. Proposals should be submitted to MIT for review and approval prior to start of construction.

Should you have any questions on MIT's native revegetation efforts in the area, you may contact Carol Churchward, MIT Biologist, at (204) 799-1205 or at Carol.Churchward@gov.mb.ca.

For permit applications and/or utility agreements, please contact Wes Turk, Regional Planning Technologist, at (204) 870-2239 or at Wes.Turk@gov.mb.ca.

DATE: 29 April, 2015

TO: Bruce Webb *BW*
Environmental Approvals
Conservation and Water
Stewardship
160-123 Main Street, Winnipeg

FROM: Muntaseer Ibn Azkar
Air Quality-Environmental Programs
& Strategies
Conservation and Water Stewardship
1007 Century Street, Winnipeg

**SUBJECT: Rural municipality of Woodlands Water Distribution System (File
5758.00)**

Air Quality Section has reviewed the above proposal and provides the following comments:

- The proposal is not expected to have a significant impact on air quality provided that the measures cited are implemented.

Webb, Bruce (CWS)

Subject: FW: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

From: +WPG1212 - Conservation_Circulars (CWS)

Sent: April-30-15 8:09 AM

To: Webb, Bruce (CWS) *BW*

Subject: FW: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

Hello Bruce,

Good morning.

Lands Branch-MCWS has no comments/concerns with EAP R.M. of Woodlands Water Distribution System - File: 5758.00.

Thank you for the opportunity to review.

Kind regards

Winifred Frias

Crown Land Programs Administrator

Lands Branch

Manitoba Conservation and Water Stewardship

200 Saulteaux Crescent, Box 25

Winnipeg, Manitoba R3J 3W3 CANADA

Phone: (204) 945-4524

Facsimile: (204) 948-2197

Webb, Bruce (CWS)

Subject: FW: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

From: Sobkowich, Dale (CWS)

Sent: April-02-15 3:05 PM

To: Webb, Bruce (CWS) *BW*

Subject: RE: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

Land Management & Planning Section has no concerns as no Crown lands are proposed to be impacted by the project.

Dale Sobkowich
Lands

Webb, Bruce (CWS)

Subject: FW: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

From: Kelly, Jason (CWS)

Sent: April-07-15 8:53 AM

To: Webb, Bruce (CWS) BW

Subject: RE: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

Parks and Protected Spaces Branch has reviewed the proposal submitted pursuant to *The Environment Act* for Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00. The Branch has no comments or concerns to offer.

Webb, Bruce (CWS)

Subject: FW: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

From: Kiss, Brian (CWS)

Sent: April-27-15 4:00 PM

To: Webb, Bruce (CWS)

Cc: Roberts, Dave (CWS); Bruce, Robert (CWS); Friesen, Chris (CWS); Meuckon, Cameron (CWS)

Subject: RE: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

The Wildlife Branch has reviewed the Environment Act Proposal for the RM of Woodlands Water Distribution System (File # 5758.00) and would like to express the following concerns:

- 1) The proposal does not include the species of concern request from the Manitoba Conservation Data Centre that most other Environment Act Proposals contain. Multiple patches of *Endangered* rough agalinis (*Agalinis aspera*) occur within the project area, yet have not been identified in the proposal. This species is protected both provincially under the *Endangered Species and Ecosystems Act* and federally under the *Species at Risk Act* (see below for more details).

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 - (c) fails to comply with a term or condition of a permit issued under subsection 73(1); or
 - (d) fails to comply with an alternative measures agreement that the person has entered into under this Act.

Penalty

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- (a) on conviction on indictment,
 - (i) in the case of a corporation, other than a non-profit corporation, to a fine of not more than \$1,000,000,
 - (ii) in the case of a non-profit corporation, to a fine of not more than \$250,000, and
 - (iii) in the case of any other person, to a fine of not more than \$250,000 or to imprisonment for a term of not more than five years, or to both; or

- (b) on summary conviction,
 - (i) in the case of a corporation, other than a non-profit corporation, to a fine of not more than \$300,000,
 - (ii) in the case of a non-profit corporation, to a fine of not more than \$50,000, and
 - (iii) in the case of any other person, to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Brian Kiss

A/ Habitat Mitigation Biologist

Wildlife Branch

Manitoba Conservation and Water Stewardship

Box 24, 200 Saulteaux Crescent, Winnipeg, MB R3J 3W3

Ph. (204) 945-7764

Fax. (204) 945-3077

Webb, Bruce (CWS)

Subject: FW: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

From: Phipps, Graham (CWS)

Sent: April-09-15 3:16 PM

To: Webb, Bruce (CWS) *BW*

Subject: FW: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

Bruce,

Is there any way to include in the EA that houses currently on private wells be required to seal their existing well when they are connected to the municipal water source? The reason being is that these wells generally saved for backup(?) or yard watering are forgotten about and go into disrepair; properties change hands etc and they get 'lost' then as the casings rot out act as conduits to the aquifer.

Graham

Webb, Bruce (CWS)

From: Stibbard, James (CWS)
Sent: April-23-15 11:15 AM
To: Webb, Bruce (CWS) BW
Subject: Re: 5758.00 RM of Woodlands, Grosse Isle, Warren Woodlands Waer Pipeline EAP

Mr. Webb,

I reviewed the above noted EAP. The EAP notes that all applicable Provincial Legislation and Requirements will be fulfilled. I would note that a Permit og Construct or Alter a Public Water System, as called for in *The Drinking Water Safety Act*, will be required before this project can be constructed. Apart from this point, I found no other cause for concern in the EAP respecting drinking water safety or quality.

If you have any questions, please call.

Regards,

James Stibbard P. Eng.
Approvals Engineer
Office of Drinking Water
1007 Century Street
Winnipeg MB R3H 0W4
phone: (204) 945-5949
fax: (204) 945-1365
email: James.Stibbard@gov.mb.ca
website: www.manitoba.ca/drinkingwater

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Webb, Bruce (CWS)

Subject: FW: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

From: Matthews, Rob (CWS)

Sent: April-02-15 4:36 PM

To: Webb, Bruce (CWS) *BW*

Cc: Thibert, Lorraine (CWS); Wiseman, Kylene (CWS); McCombe, Christopher (CWS)

Subject: RE: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

Bruce,

We have no concerns about the project as the EAP indicates that treated water for the project will be provided from the St. Eustache Water Treatment Plant. The owners of this plant, the CWP Limited Partnership, hold a valid water rights licence with sufficient allocation to accommodate this expansion without requiring an amendment to their licence.

Rob Matthews, Manager, WULS, CWS.

Webb, Bruce (CWS)

From: Roberts, Dan (CWS)
Sent: April-02-15 11:31 AM *BW*
To: Webb, Bruce (CWS)
Subject: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00
Attachments: Drainage Licence Application.pdf

The *Water Control Works and Drainage Licensing Section* recommends the following:

- 1) All works are constructed in accordance with *Fisheries and Oceans Canada - Operational Statements*.
- 2) The construction schedule avoids critical fisheries time periods of April 15th to June 15th.
- 3) The timing of construction is aimed at eliminating, reducing, or preventing erosion.
- 4) Construction activities are suspended during wet conditions, and performed only during low or no-flow periods.

Please remind the proponent that any water control works (drains, culverts, dykes, dams, etc.) associated with this project will require licensing under the *Water Rights Act* – an application is attached for the proponent's convenience. Any inquiries in this regard may be directed to the local *Water Resource Officer*. Their contact information may be found at:

http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/areas_of_focus_jan_23_12.pdf

Sincerely,

Dan Roberts
Water Resource Officer
Water Control Works and Drainage Licensing Section
Conservation and Water Stewardship
Box 6000, Building #1180, 75 - 7th Avenue,
Gimli, MB R0C 1B0
Cell: (204) 641-1331



Infrastructure and Transportation
Highway Planning and Design Branch
Environmental Services Section
1420 - 215 Gary St., Winnipeg, MB R3C 3P3
T (204) 619-4359 F (204) 945-0593

April 14, 2015

BW

Tracey Braun, M. Sc.
Director, Environmental Approvals Branch
Manitoba Conservation and Water Stewardship
123 Main St., Suite 160
Winnipeg, MB R3C 1A5

RE: RM of Woodlands - Water Distribution System
Client File No. 5758.00

Dear Ms. Braun:

MIT has reviewed the proposal under the *Environment Act* noted above and we have the following comments:

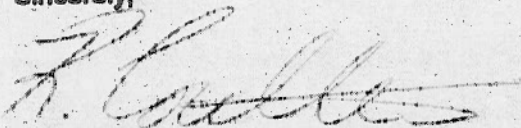
- Depending on which side of PTH 6 and where proposed route joins with other pipelines, it may impact some of the native revegetation MIT conducted near Woodlands.
- The Proponent should also be advised about the native plants that grow wild along PTH 6, especially the Rough Agalinis in the stretch from Grosse Isle to Woodlands, which MIT has taken measures to avoid and/or transferred to a nearby community pasture.
- We would suggest that all disturbed areas be seeded with native plants so as not to undermine the efforts MIT put into native revegetation of the site.
- We would like to remind the Proponent that permits are required from the Highway Traffic Board (for PTH's) or MIT (for PR's) for:
 - any new, modified or relocated access to a PTH/PR;
 - any structures (including advertising signs, wells, septic fields, etc.) on, under or above the ground within the Controlled Area adjacent to a PTH/PR;
 - discharging of water or other liquid materials into a ditch of a PTH/PR; or
 - placing any trees or plantings within 15.2 metres (50 feet) of the edge of right-of-way of any PTH/PR.
- An underground utility agreement with MIT will be required for any utility installation crossing or within the right-of-way of any PTH/PR. Proposals should be submitted to MIT for review and approval prior to start of construction.

Should you have any questions on MIT's native revegetation efforts in the area, you may contact Carol Churchward, MIT Biologist, at (204) 798-1205 or at Carol.Churchward@gov.mb.ca.

For permit applications and/or utility agreements, please contact Wes Turk, Regional Planning Technologist, at (204) 870-2239 or at Wes.Turk@gov.mb.ca.

Thank you very much for providing us the opportunity to review the proposal.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Coulter", written in dark ink.

Ryan Coulter, M. Sc., P. Eng.
Manager of Environmental Services

Webb, Bruce (CWS)

Subject: FW: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

From: Sigurdson,Shauna [CEAA] [mailto:Shauna.Sigurdson@ceaa-acee.gc.ca]

Sent: April-06-15 8:32 PM

To: Webb, Bruce (CWS) *BW*

Cc: Tiede,Susan [CEAA]

Subject: RE: Request for review/comment - EAP R.M. of Woodlands Water Distribution System - File: 5758.00

Hello Bruce

There are two sections of the Regulations Designating Physical Activities which deal with the creation or expansion of a reservoir. These are:

- 4. The construction, operation, decommissioning and abandonment of a new dam or dyke that would result in the creation of a reservoir with a surface area that would exceed the annual mean surface area of a natural water body by 1 500 ha or more.
- 5. The expansion of an existing dam or dyke that would result in an increase in the surface area of the existing reservoir of 50% or more and an increase of 1 500 ha or more in the annual mean surface area of the existing reservoir.

After reviewing the EAP for this water distribution system, the two reservoirs will be 650 m3 and 380 m3 respectively, which will not be greater than the thresholds in the above. Therefore, CEAA 2012 does not apply to this proposal, and the Agency will not have further involvement.

Shauna

