

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Manitoba Hydro
PROPOSAL NAME: Keewatinoow Construction Camp Lagoon and Start-Up Camp
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Wastewater Treatment Lagoon
CLIENT FILE NO.: 5573.00

OVERVIEW:

On March 7, 2012, the Department received an Environment Act Proposal (EAP) from Manitoba Hydro for the construction and operation of a wastewater management system and a wastewater treatment lagoon that will service the construction camps during the construction of the Keewatinoow Converter Station. The wastewater management system and wastewater treatment lagoon will be located in Sections 5 and 6-89-2 E2. Initially, wastewater collected and stored in the wastewater management system will be transported away from the site for treatment at a facility operating under the terms of an existing Environment Act Licence. Once the wastewater treatment lagoon is commissioned, all wastewater generated at the camps will be directed to it for treatment, storage and disposal. Treated wastewater from the wastewater treatment lagoon will be discharged between June 15th and November 1st of any year into Creek 16 that drains into the Nelson River.

The Department, on April 13, 2012, placed copies of the EAP report in the Public Registries located at 123 Main St. (Union Station), the Millennium Public Library, Manitoba Eco-Network, the Thompson Public Library, the Gillam Town Office, and the Tataskweyak Cree Nation Band Office. Digital copies only of the EAP were placed in Public Registries located at MKO, the The Pas Public Library, the Dauphin Public Library, the Northwest Regional Library, the Minitonas Library, the Snow Lake Town Office, the Western Manitoba Regional Library, the Jake Epp Public Library, and the Portage la Prairie Public Library. Copies of the EAP report were also provided to the Canadian Environmental Assessment Agency (CEAA) and Technical Advisory Committee (TAC) members. As well, the Department placed public notifications of the EAP in the Thompson Citizen on Wednesday, April 18, 2012, the Thompson Nickel Belt on Friday, April 20, 2012 and the Winnipeg Free Press on Saturday, April 21, 2012. The newspaper and TAC notifications invited responses until May 21, 2012.

In a June 25, 2012 letter, Manitoba Hydro described adjustments to the original proposal that did not change the wastewater management component of the proposed project.

No public comments were submitted directly to the Environmental Approvals Branch while the Technical Advisory Committee provided comments or participated in discussions and exchanges of information as described herein.

A Crown-Aboriginal Consultation was led by Lands Branch – Manitoba Conservation and Water Stewardship. The Consultation concluded that no known negative effects on the exercise of aboriginal or treaty rights of the Fox Lake Cree Nation members. The Fox Lake Cree Nation Council provided correspondence advising that its objections to the related permit application (Keewatinoow Construction Camp and Lagoon Construction Permit Application (Revision to General Permit GP 61348)) dated April 13, 2012 had been withdrawn.

A draft Environment Act Licence is attached.

COMMENTS FROM THE PUBLIC:

There were no comments from the public.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Conservation and Water Stewardship – Aboriginal Relations Branch

- *This construction camp lagoon and wastewater management area is located within the Fox Lake Resource Management Area near the Nelson River.*
- *Although Manitoba Hydro has indicated in their Environmental Act Proposal that the effects to land use by Aboriginal People including hunting, trapping, fishing and gathering, will be small, it is stated that there is still an effect. As well the project effects registered trap line (RTL) area #5 in a small way (approximately 0.03%). (Section 5.5 of the Environment Act Proposal).*
- *As the proposal states that Manitoba Hydro is in contact with Fox Lake First Nation members and has a continued relationship with them, it is still the responsibility of the Province of Manitoba and the responsible department to have a meaningful Consultation process regarding this decision to licence with any Aboriginal people involved.*

Disposition:

- In an August 8, 2012 letter to Dave Hastman, Regional Lands Manager, Northeast Region – Manitoba Conservation and Water Stewardship, the Fox Lake Cree Nation Council presented related information and comments as follows:
 - Further to our letter dated May 30, 2012, this is to advise that Fox Lake Cree Nation withdraws its objections to the above noted permit application

(Keewatinoow Construction Camp and Lagoon Construction Permit Application (Revision to General Permit GP 61348)) dated April 13, 2012.

Fox Lake's withdrawal of its objections to this work is without prejudice to, and should not be taken as Fox Lake's approval of, any aspect of the Bi-Pole III and Keewatinoow Converter Station Project, which is being licensed separately. Fox Lake is still in discussions with Manitoba Hydro, and are far away from finalizing the required impact settlement agreement for those projects. Fox Lake Cree Nation reserves all rights to oppose those projects and the licensing thereof should we not be able to successfully conclude those negotiations.

Fox Lake Cree Nation trusts that this letter is sufficient to Manitoba Conservation for the purpose of stating our latest position on Manitoba Hydro's work permit application for establishment of a Construction Camp and Lagoon Construction.

Conservation and Water Stewardship – Lands Branch

- *The Branch submitted their assessment document as well as a consultation log summary and recent letters to/from Fox Lake First Nation. Since there was a pre-existing GP at this location for an exploratory camp, and IEM had carried out consultation regarding the quarries we summarized all requirements in one letter to Fox Lake Cree Nation (dated August 8, 2012). This should not be taken as our Branch's acceptance in taking the lead on future projects where multiple decisions are required. In this instance it was the most logical.*

We have this afternoon (August 13, 2012) provided Crown Lands Permit Application with the necessary approval from our office to issue the GP subject to conditions set out in the review of the land. Of course one of those conditions is an Environment Act Licence.

Disposition:

- The draft Environment Act Licence contains a clause that requires the Licencee to acquire any necessary land agreements prior to constructing the wastewater management system and the wastewater treatment lagoon.

Conservation and Water Stewardship – Parks and Natural Areas Branch

- *The Branch has no comments to offer.*

Conservation and Water Stewardship – Water Stewardship Division

May 22, 2012

- *The Water Stewardship Division requires an Environment Act Licence to include the following:*
 - *If the volume of groundwater to be withdrawn exceeds 25,000 litres per day, the Licencee shall apply for Water Rights Licence, before any groundwater is withdrawn, as required by The Water Rights Act.*
 - *A contact person is Mr. Rob Matthews, Manager, Water Use Licensing Section, Manitoba Conservation and Water Stewardship, telephone: (204) 945-6118.*
 - *The Licencee shall implement trickle discharge over a three-week period of time.*
 - *The effluent discharge limit concentration for total phosphorus is 1.0 milligrams per litre.*

- *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.*

May 25, 2012

- *The Water Stewardship Division submits the following comments:*
 - *The proposal states that the current S1 camp has four operating groundwater wells. As the camp is decommissioned, the current well B291 will be used as the S2 camp water supply. The remaining S1 camp wells should be properly sealed and an Abandoned Well Report filed with the Groundwater Management Section if they will not be used after the construction of S2. To aid in assigning locations of the existing wells in the provincial database it would be useful for all the existing wells to be identified with geographic coordinates. A summary of the well information and geographic coordinates need be submitted to the Groundwater Management Section to update the provincial database.*
 - *A contact person is Dr. Graham Phipps, Ph.D., P.Geo., Groundwater Management Section, Manitoba Conservation and Water Stewardship, 18-200 Saulteaux Crescent, Winnipeg, Manitoba R3J3W3, telephone: (204) 945-8359.*

Disposition:

- The draft Environment Act Licence contains a clause that requires that, when conditions permit, the Licencee discharge the wastewater treatment lagoon over at least a two-week period to allow for increased nutrient uptake to occur along the discharge route.
- The draft Environment Act Licence contains a clause that limits the allowable total phosphorus content of the effluent to 1.0 milligrams per litre.
- The draft Environment Act Licence contains clauses that impose effective restrictions on construction and operation activities that have the potential to negatively impact surface water quality.
- The draft Environment Act Licence contains clauses that require the Licencee to determine and report on the characteristics of existing or proposed groundwater wells in the vicinity of the Development and to maintain a related monitoring and reporting program that is satisfactory to the Director.

Conservation and Water Stewardship – Environmental Programs and Strategies Branch

- *The Air Quality Section has reviewed the above EA proposal and potential air quality related concerns are adequately addressed. No significant impact on air quality is expected provided that the measures cited in the proposal are implemented.*

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

- *No concerns.*

Culture, Heritage and Tourism – Historic Resources Branch

- In an August 13, 2012 memorandum to Manitoba Conservation and Water Stewardship, Historic Resources Branch – Culture, Heritage and Tourism presented related information and comments as follows:
 - Manitoba Historic Resources Branch has reviewed the report: *KEEWATINOOW CONVERTER STATION — LAGOONS, Fieldwork Summary Report of Archaeological Investigations within the Vicinity of the Proposed Lagoons'* (January 2012) submitted by archaeological consulting firm: Northern Lights Heritage Services Inc. (Winnipeg, Manitoba) to Manitoba Hydro in support of an environmental license application towards developing the proposed lagoons associated with the construction of the Keewatinoow Converter Station.

The Historic Resources Branch is satisfied by the scope of the report and that previous field investigations and reporting undertaken by Northern Lights Heritage Services Inc. (Winnipeg, Manitoba) has met the Heritage Resource Impact Assessment requirements under Section 12 (2) of The *Heritage Resources Act* (1986) for the proposed lagoon development areas described in the above mentioned letter report.

The Historic Resources Branch is in agreement with the '4. Summary' section assessment made by Northern Lights Heritage Services Inc. (NLHS) on page 6 of this report and is satisfied that the potential for these Lagoon developments to impact significant heritage resources is low and therefore is allowing these developments as described to proceed. However, if significant heritage resources or human remains are encountered during any phase of development by Manitoba Hydro., their partners, employees or contractors, the Historic Resources Branch is to be contacted immediately.

Disposition:

- The draft Environment Act Licence contains a clause that requires that the Licencee shall, if significant heritage resources or human remains are encountered during any phase of the construction or operation of the Development, the Historic Resources Branch – Manitoba Culture, Heritage and Tourism is to be contacted immediately.

Local Government

- *No concerns.*

COMMENTS FROM FEDERAL REPRESENTATION:

Canadian Environmental Assessment Agency

- *The project information that was provided has been reviewed by the Canadian Environmental Assessment Agency (CEAA). Application of the Canadian Environmental Assessment Act (the Act) is not required. Health Canada determined it could contribute expert advice in the area of human health if requested. The Department of Fisheries and Oceans indicated it could provide its expertise if requested. Environment Canada indicated that they could provide expert advice related to its mandate if requested.*

CROWN-ABORIGINAL CONSULTATION

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Metis 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, Metis community or other Aboriginal community.

Lands Branch – Manitoba Conservation and Water Stewardship led a Crown-Aboriginal Consultation and prepared a resulting Initial Assessment and Record of Conclusion for General Permit Application No. 61348 – Start up Camp and Lagoon – Keewatinoow.

In an August 8, 2012 letter to Chief Walter Spence and Council – Fox Lake Cree Nation, Lands Branch – Manitoba Conservation and Water Stewardship identified that they had completed its review and found that the start-up camp and lagoon will have no known negative effects on the exercise of aboriginal or treaty rights of the Fox Lake Cree Nation members.

As indicated earlier in this Summary, in an August 8, 2012 letter to Dave Hastman, Regional Lands Manager, Northeast Region – Manitoba Conservation and Water Stewardship, the Fox Lake Cree Nation Council presented related information and comments, advising that, further to their letter dated May 30, 2012, Fox Lake Cree Nation had withdrawn its objections to the Keewatinoow Construction Camp and Lagoon Construction Permit Application (Revision to General Permit GP 61348)) dated April 13, 2012.

PUBLIC HEARING:

A public hearing was not requested.

RECOMMENDATION:

Issue an Environment Act Licence in accordance with the attached draft. Due to related construction season time constraints, the time period for the Technical Advisory Committee review of the draft licence should be one week. Enforcement of the licence should be assigned to the Environmental Approvals Branch until construction and any necessary liner quality testing and reporting has been completed.

PREPARED BY:

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