SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Daly Irrigation Development Group(Sundance Farms, Ed Waldner, Don Loewen, Ray Redfern and Keywest Farms)
PROPOSAL NAME: Daly Irrigation Development Project
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 5577.00

OVERVIEW:

The Proposal was received on March 19, 2012. It was dated March 15, 2012. The advertisement of the Proposal was as follows:

"A Proposal has been filed by Stantec Consulting Ltd. on behalf of the Daly Irrigation Development Group, a partnership of five area irrigators. The proposed project involves the continued irrigation of land south of the former Rivers airfield, and west of the Little Saskatchewan River, and the addition of more land in the area in the future. Project land that has been irrigated previously from groundwater or from the Assiniboine River would be irrigated from the Little Saskatchewan River, from an existing pumpsite between NE 9-12-21W and NW 10-12-21W. Additional pumps would be added at this site to provide all initial and future water requirements. The project would have a total landbase of 1,627 hectares serviced by up to 31 centre pivot irrigation systems, with a maximum water use of 3,250 cubic decameters annually. New pipelines for the project would be located on private agricultural land except where municipal road allowance crossings were required. The construction of new project components would be started in the summer of 2012, with construction being completed when the last new irrigated fields were connected to the water supply system in future years."

The Proposal was advertised in the Brandon Sun on Saturday, April 28, 2012. It was placed in the Main, Millennium Public Library (Winnipeg), Eco-Network and Western Manitoba Regional Library (Brandon) public registries, and in the office of the Rural Municipality of Daly. It was distributed to TAC members on April 26, 2012. The closing date for comments from members of the public and TAC members was May 28, 2012.

COMMENTS FROM THE PUBLIC:

Ruth Pryzner The Departments of Water Conservation and Water Stewardship are currently considering a water license application and assessing an *Environment Act* proposal submitted by the Daly Irrigation Development Group for an irrigation project (hereinafter referred to as "The DIDGP") to irrigate "approximately 4,022 acres (1,627 ha) of land owned and leased by members of a partnership group" in the RM of Daly. (EIA) I formally object to the Department of Conservation and Water Stewardship proceeding with the DIDGP in any manner,

including the issuance of any permits and licenses (permanent or temporary) for the reasons that follow.

Process Issues and the Legal Framework

Section 9.1(1) of *The Water Protection Act* reads:

In considering an application for a license

(b) to construct, establish, operate or maintain works, other than works relating to the drainage of water;

The minister ***shall*** *consider scientific and other information relating to the groundwater and water body levels, and* ***the in-stream flows, that are necessary to ensure that aquatic ecosystems are protected and maintained.***

License may be denied

9.1(2) The minister may refuse to issue a license if, in the opinion of the minister, the action authorized by the license would negatively affect an aquatic ecosystem.

Stantec reports on page 7.24 of the *Environmental Impact Assessment for the Daly Irrigation Development Project*, March 16, 2012, that ***"For the current proposed Project, guidance regarding the requirement of an IFN was sought from Manitoba Conservation by Stantec on behalf of the proponent. The regulator informed Stantec that an IFN determination for the LSR would not have to be made for this proposed project."***

Under what authority was the regulator able to make such a determination and assurance to the applicant? The *Water Protection Act* imposes a ***requirement and a duty on the minister*** to "consider" all relevant information, including "***in-stream flows***, that are ***necessary*** to ***ensure***" that aquatic systems are protected. Given that an in-stream flow study has yet to be undertaken, in order to determine, using rigorous scientific methods, what is indeed necessary for the preservation and maintenance of the aquatic ecosystem in the Little Saskatchewan River, the regulator not only lacks the authority but also the credible and legislatively required evidence and information upon which to make such a commitment to the applicant. ***Clearly the regulator has exceeded their authority in making this commitment.***

Further, according to the *Environment Act*, the purpose of an environmental assessment process is to evaluate a "proposal to ensure that appropriate environmental management practices are incorporated into all components of the life cycle of a development." The DIDG project is a Class 2 development which is defined in the *Act* as "any development that is consistent with the examples or the criteria or both set out in the regulations for class 2 developments and the effects of which are primarily unrelated to pollution or are in addition to pollution."

Section 11(9) of the Environment Act reads in part:

Assessment of Class 2 development

11(9) For the purposes of assessing the environmental impacts of a proposed Class 2 development, the director may do any or all of the following things:

(a) require from the proponent additional information;

(c) require the proponent to prepare and submit to the director an assessment report to include such studies, research, data gathering and analysis or monitoring, alternatives to the proposed development processes and locations, and the details of proposed environmental management practices to deal with the issues;

Because the proposal intends to remove water at such a rate of flow that guarantees that the aquatic environment will be negatively affected (19.6 cfs) and an in-stream flow that is necessary to protect and maintain the aquatic environment has not been determined, it is incumbent upon the Department to ensure, on behalf of the minister, that an in-stream flow needs assessment be conducted ***prior*** to any further development of the Little Saskatchewan River and the issuance of any further licenses.

Sundance Farms, one of the five members of the DIDG has been issued a temporary authorization to "divert and use water from Little Saskatchewan River for Irrigation Purposes. The diverted water is proposed to be stored in a reservoir located on SE 17-12-21 WPM," and diverted at a rate of 3.53 cfs between April 2, 2012 and May 31, 2012. (Attachment A) This authorization has been issued without proper environmental assessment and without licensed construction, enabling the DIDG to install expensive irrigation infrastructure which places the proponents in a position to be able to argue economic hardship if the Environmental Assessment process results in the denial of a permanent license. The current authorization terms were inappropriately issued. I object to the issuance of the current authorization being used as evidence to support the validity of the application under Environmental Assessment.

The Little Saskatchewan Conservation District and LSR Integrated Watershed Management Plan (IWMP) identifies the priority of conducting "in-stream flow needs to determine riverine flow requirements," with the goal "to ensure water use licenses comply with revised riverine flow requirements" so that "river discharge remains above in-stream flow requirements." These objective and priorities were established with a completion timeframe of 2009-2012, which was to "ensure water use licenses comply with revised riverine flow requirements." The IWMP has received ministerial approval. As such, the IWMP is provincial policy. Any proposed development must be assessed and must comply with the Little Saskatchewan River Integrated Watershed Management Plan. I submit that the proposal does not. The LSR IWMP can be found at the LSR Conservation District website.

The *Nutrient Management Regulation* under the *Water Protection Act* identifies Lake Wahtopanah as a vulnerable water body. It is a widely accepted scientific fact that there is a direct relationship between water quantity and water quality. Therefore, it is critical that any proposed development involving water diversion/irrigation activities that could lower the water levels of the drinking water supply of the Town of Rivers, i.e., the vulnerable water body of Lake Wahtopanah, be evaluated and assessed in light of potential degradation to this vital public water source.

The purpose of the Water Protection Act is:

Purpose of the Act

2 The purpose of this Act is to provide for the protection and stewardship of Manitoba's water resources and aquatic ecosystems, recognizing

(a) that Manitoba's social and economic well-being is dependent upon the sustained existence of a sufficient supply of high quality water;

(b) the importance of comprehensive planning for watersheds, with respect to water, land and ecosystems, on a basis that acknowledges and considers their interdependence;

(c) that water resources and aquatic ecosystems require protection to ensure the high quality of drinking water sources;

(d) the importance of applying scientific information in decision-making processes about water, including the establishment of standards, objectives and guidelines;

(e) the need to protect riparian areas and wetlands; and

(f) the benefits of providing financial incentives for activities that protect or enhance water, aquatic ecosystems or drinking water sources. (emphasis mine)

Plan to be considered in decision-making

23 The Lieutenant Governor in Council may, by regulation, require that an approved watershed management plan be considered before a prescribed decision is made or a prescribed approval is issued under this or any other specified Act or regulation.

Manitoba Conservation's decision on this project must be consistent with the provincially approved Integrated Watershed Management Plan for the LSR which requires compliance of projects with in-stream flow needs. (See IWMP)

The Need for an In-stream Flow Needs Assessment Prior to any Licensing of Water Withdrawals

During the Environmental Assessment evaluation process for the Linto Irrigation Project, File No. 5099.00, North/South Consultations authored a *Fish Habitat Assessment and Protection Report* (March 2005) which was submitted to Manitoba Conservation and Manitoba Water Stewardship and should be on file with the Department. This report identifies the need for an IFN study to be conducted in order to determine levels of water diversion that would not degrade the aquatic habitat of the Little Saskatchewan River. This will be discussed in more detail below.

I will show that even without an accurate and current in-stream flow assessment, based on the best available information and estimates about the in-stream flow requirements for the Little Saskatchewan River in order to protect aquatic habitat, the impacts of the proposed irrigation

project can be reasonably expected to create severe degradation of the aquatic environment and severely impact fish survival.

Therefore, the proposed project must be rejected as it is contrary to the stated objectives of the Environment Act, the Water Protection Act and the Little Saskatchewan River Integrated Water Management Plan.

Water Availability

The DIDP proposes to use 3250 cubic decameters annually on 4,022 acres applied at 12 inches per acre per year for potatoes and 6 inches per acre per year for other cereals and canola crops. (p.p. 4.1 and 4.3 EIA)

I object to the proposed allocation of 12 inches per acre per year for potatoes and 6 inches per acre per year for grains and oil seeds of supplemental irrigation water for this project. According to a University of Manitoba study "Water Use and Yield Response of Potatoes, Shaykewich, Carl, et. al, (Attachment B) which evaluates actual potato water needs at several Manitoba locations (including Carberry), "The table shows that on average we get about 250 mm (10 inches) of precipitation during growing season. Thus on average we need 125-150 mm (5-6 inches) of additional moisture to avoid water stress. If we consider the one in four year risk for dry years, we need at least 150-200mm (6-8 inches) additional moisture. On the other hand, if we look at the one in four risk for wet years, we need 27-75 mm (1-3 inches) or less additional moisture." The proposed allocation is clearly in excess of crop requirements.

The Linto EIA reports that it takes a period of 48 hours for 1 inch of water to be applied to 130 acres at a flow rate of 800 US gpm. (p. 4.6)

800 US gpm=1.782407407 cfs(http://www.unitconversion.org/unit_converter/flow.html)

Page 4.2 of the EIS reports that a total of 31 irrigation pivots will be required to meet the needs of the project. Each pivot has been assumed to irrigate 130 acres. Of the 31 total pivots to be utilized annually, 11 pivots per irrigation rotation period will be in simultaneous operation, serviced by 4 pumps with a total draw capacity of 8800 US gallons per minute equal to 19.6 cfs (p. 4.5 EIA)

8800 US gpm divided amongst 11 pivots will deliver 800 gpm to 130 acres. According to Senninger Irrigation, (http://www.senninger.com/2011/11/10considering-crops-and-soils-when-choosing-sprin...) for loamy sands in North Dakota, a properly designed centre pivot irrigation system would require 910 gpm to cover 130 acres. The pump capacity and irrigable area per proposed pivot is consistent with standard centre pivot irrigation systems.

However, on page 7.23 (EIA) Stantec reports that "it is suggested that real-time monitoring be conducted to monitor flow rates to confirm that the current riparian release flow rate of 18.5 cfs is being maintained downstream of the Project pump locations." They go on to say that "If there is a concern that the 18.5cfs riparian release flow cannot be maintained based on current

operating rule curve elevations, it is suggested that Manitoba Water Stewardship assess what portion of the 24,500 acre-feet below the summer rule elevation of 1526 feet could be allocated for irrigation purposes. A drop in reservoir level of approximately 0.5m (1.5 feet) (estimated as 2,600 acre-feet allocation/1,700 acre reservoir size) would be required to supply the maximum proposed allocation, which constitutes approximately 11% of reservoir volume, assuming zero Surplus Runoff."

1. There is no evidence provided by Stantec that the current riparian release needs of 18.5 cfs can be maintained below the locations of the four pumps. Indeed, by raising the question of additional reservoir releases, Stantec suggests that this target will frequently not be met.

2. Stantec is asserting that there is enough water in the LSR system and the Rivers Reservoir based on volume. Assessing water availability on volumes is scientifically recognized to be an invalid way of calculating sustainability, particularly ecosystem sustainability.

3. There appears to be two main methods used by the Province in determining water availability for development activities in rivers: a) by volume; b) by flow rates. The Water Licensing Branch typically uses volume to calculate water availability. The attached March 17, 2005 letter from Steve Topping, Executive Director of Water Licensing to the RM of Daly Council (Attachment C) shows water availability in the LSR from the Rivers Reservoir downstream as follows:

   - Full supply level of the reservoir is at 1536 feet
   - Water storage capacity is (Lake Wahtopanah) is 24,500 acre-feet
   - Dead storage reduces effective minimum elevation to 1525.36 for water supply purposes (which parenthetically was not taken into consideration in the Stantec EIA)
   - Firm annual supply is 21 cfs or 15,200 acre-feet
   - This supply is calculated on data obtained from the driest years.
   - 2.5 cfs is held for the Town of Rivers water supply which is licensed for 485 acre-feet of annual withdrawal.
   - 18.5 cfs is available for riparian release, which is 13,505 acre-feet per year
   - 4514 acre-feet is the release pattern for June through the end of September
   - 370 acre-feet has been set aside for an application that had been submitted at that time and subsequently approved.
   - When all the set-asides were calculated by Topping, he suggested that there was 12,735 acre-feet remaining.
   - A water budget for the LSR would have to be reviewed and any impacts on the Assiniboine River prior to the issuance of any further licenses. (There is no evidence to date that this has been completed.)

   This manner of assessing water availability is misleading and inadequate. The Water Licensing Department continues to (improperly)assess irrigation project viability on the basis of volume rather than scientifically established ecological sustainability method calculated with long-term in-stream flow requirements as the basis for assessment. Minimum in-stream flow requirements are different from what Water Licensing refers to

as "water budgets." According to Rob Matthews from water licensing in a private phone conversation with me in 2005, water budgets do not take into consideration matters such as ecosystem requirements or the relationship between water quality and water quantity. Indeed, Mr. Matthews has told me "there is no relationship between water quantity and water quality."

All of this demonstrates the bias in Water Licensing to approve water diversion projects based on insufficient factors. Of particular relevance here is the absence of accounting for ecological impacts. This problem and bias makes this process that much more important in the water licensing process. It also calls into question the validity of the current temporary license that enabled the proponent to install the infrastructure that is currently in place. This Assessment process should provide sufficient evidence necessary for Manitoba Conservation to require that the infrastructure installed under the Water Licensing Department's temporary authorization be removed.

4. "The firm annual draft of the reservoir, or the total of all withdrawals or releases from the reservoir that can be supplied through the driest period of record, has been confirmed to be 21 cfs with a corresponding firm annual yield of 15,200 acre-feet." (Page 6.3 EIA) In the *Fish Habitat Assessment and Protection Report* completed for the proposed Linto Irrigation Project, submitted to Manitoba Conservation and Manitoba Water Stewardship by North/South Consultants in March 2005 as part of the Linto Environmental Assessment, the total sustainable annual yield or draft was reported to be 20.4cfs. With a withdrawal by 11 pivots, serviced by 4 pumps, operating simultaneously at a rate of 19.6 cfs, it is impossible for the DIDG project to maintain the current flow (according to Stantec) of 18.5 cfs needed to protect downstream aquatic habitat. Stated another way, there simply is not enough water in the Little Saskatchewan River system to provide for aquatic and riparian needs, should the project receive approval and operated as proposed. 20.4 cfs minus 19.6 cfs = .8 cfs (North/South) or 21cfs minus 19.6 cfs = 1.4 cfs (Stantec).

5. Riparian habitats rely on sufficient water in the stream bed to maintain their long-term health and viability.

6. Page 13 of the North/South Consultants *Fish Habitat Assessment and Protection Report* concludes that there is not enough water in the LSR to support the minimum instream flows necessary to support fish habitat if the Linto project in conjunction with the other current and proposed uses was to go ahead. The Linto project proposed to withdraw 266 acre-feet annually. The DIDG proposes to withdraw 3250 cubic decameters which is ***2635.75 acre feet***. The DIDG proposes a 2600 acre-feet annual allocation or ***ten times the amount proposed by the Linto project.***
(1 dam3 = 0.811 acre feet 3250 cubic decameters x 0.811 acre feet = 2635.75 acre-feet.)

The FHAP Report state, at page 13:

"based on the 1961-1996 flow data, flows in the river would be insufficient to sustain the existing and proposed withdrawals plus a MIF of 1.43 m3/sec (48cfs) in at least a portion

of most (89%) of years (Table 3), including more than half of each irrigation season, on average, after July."

Further, page 7 of the FHAPR reads:

"The mean annual flow of the Little Saskatchewan River near Rivers is 4.55m3/s (161 cfs) (based on the complete [1956-1996] dataset; the value derived from the 1961-1996 data is similar at 4.33 m3/s [153cfs] (Environment Canada 2002). Therefore, the MIF estimated through the Tennant Method would be 1.4m3/s (48cfs), and severe degradation of aquatic habitat would be expected below 0.46m3/s (16cfs) during the April-September period."

7. Current licensed allocations are shown in Attachment D (as of March 2005). They total 8.4 cfs summer withdrawals. The FHAPR also notes in this attachment that "Three active licenses (#s 91-23, 89-104, 89-78) and one expired license (#72-22) also exist for diversions/dams on tributaries to the Little Saskatchewan River." The North/South EIA designated 9.9 cfs as an absolute minimum in-stream flow for the LSR defined under the Tennant method as the "target minimum flow" that is "currently released from Rivers Reservoir." (p. 6)

8. 20.4 cfs total firm annual yield, sustainable release** ***minus***
8.5 cfs allocated or committed to existing or approved licenses ***minus***
9.9 cfs absolute minimum stream flow to support aquatic life ***minus***
19.6 cfs as proposed by the DIDG
-17.6 cfs
Thus, should the project be approved, the result will be a substantial over-allocation of LSR water.

7. The North/South consultants report also outlines the habitat requirements for long-term fish survival as follows:
"The Montana, or Tennant, Method (Tennant 1976) is a simple desktop method that has been used as a basis of IFN determinations in numerous jurisdictions including Manitoba. Based on physical and hydrological characteristics that are generally similar between a wide variety of rivers and streams, the method postulates that at 30% of mean annual flow some degradation of habitat occurs, but conditions are suitable to sustain good survival habitat for most aquatic life forms. Flows below 10% of the mean annual flow are associated with severe degradation of habitat and possible inability of the stream to sustain short-term survival of fish. For the April – September period, the method recommends establishment of a MIF of 30% of mean annual flow.

The mean annual flow of the Little Saskatchewan River near Rivers is 4.55 m^3/s (161 cfs) (based on the complete [1956-1996] dataset; the value derived from the 1961-1996 data is similar at 4.33 m^3/s [153 cfs] (Environment Canada 2002). Therefore, the MIF estimated through the Tennant Method would be 1.4 m^3/s (48 cfs), and severe degradation of aquatic habitat would be expected below 0.46 m^3/s (16 cfs) during the April – September period." (p. 6-7)

While North/South considered the possibility of "increasing the discharge from the Rivers Reservoir to partially compensate for the proposed withdrawals " of 4.34 cfs for the Linto Irrigation project which is the subject of the study review at that time, "current understanding of the water resources in the river indicate that the releases would be limited to a portion of the total (basin-wide) sustainable yield of 0.57 m^3/s (20 cfs) estimated by Water Resources Branch." P. 7 As such it is estimated that the "flows currently available downstream of Rivers Dam total 33 m^3/s (11.6 cfs) for instream flows plus further allocation."

These levels are reported to be below 48 cfs required for sustained fish survival and 15 cfs required for short-term fish survival but exceed 10 cfs which was the "current minimum release from Rivers Reservoir." (p. 7)

What is important here is that the function of the Environment Assessment process is first and foremost to produce outcomes that protect the environment and aquatic and riparian ecosystems. A designation of the minimum flow of 10 cfs as being sufficient to protect this ecosystem is inadequate. Therefore, the project must be assessed within parameters that ensure long-term fish survival. The DIDGP water requirements and instantaneous withdrawal rates of 19.6 cfs far exceed the availability of water within the system, water that is necessary to protect the long-term survival of fish within the lower reaches of the LSR.

8. The FHAPR identifies three levels of minimum instream flows for fish survival (Attachment ___). These are:
   1.4m^3/s (48cfs) (Recommended MIF for sustained fish survival – Tenant Method)
   0.46m^3/s (16cfs) (MIF for short-term fish survival – Tenant Method)
   0.28m^3/s (10cfs) (Current minimum release)
   Under this method, the DIDG proposal would leave the aquatic ecosystem short in two out of three scenarios. The 48 cfs requirement for sustained fish survival is not currently being met which highlights the serious impact that the irrigation proposal can be expected to most certainly have on the ecosystem. The FHAPR cautions that depending on the minimum instream flow arrived at for the lower reaches of the Little Saskatchewan River, "the water available for withdrawal for the Linto Irrigation Project may be limited in some or most years." (p. 13) Again, the Linto project proposed to withdraw ten times less than the what the DIDG proposal currently under evaluation for its environmental impacts proposes. In addition, the report reads: "Based on a MIF of 0.28m3/s (10 cfs), which is based on historical water usage and would not necessarily provide for the instream flow needs of aquatic biota, river flows would be insufficient to meet demands in 8% of August days and 18% of September days (Table 4), and would fall below demand in 39% of years (Table 3)." (p. 13) Again, the proposed project is not viable for maintaining and sustaining the aquatic life in the lower reaches of the River.

9. During the Watershed Planning Advisory Team meetings as part of the process in creating the LSR Integrated Watershed Management Plan, representatives from the Prairie Farm Rehabilitatioin Administration outlined climate change forecasts for the area. The presentation can be obtained from Myles Kopytko upon request. PFRA is predicting a greater drought frequency for the proposed irrigated areas in question. While, on the

surface, this would appear to lend credence to and support to the need for irrigation, the contrary is equally true and more valid when protection of aquatic ecosystems is considered as a higher priority. The fact is, that the demand for irrigation and increased withdrawals from the LSR will increase when the available flow is diminished resulting from lack of recharge due to drought conditions. The probability of exceedence theory as outlined in the Stantec EIA Report (p. 6.5), is misleading at best as it ignores the fact that there is no runoff during periods of drought. It takes rain to recharge the flows in the river. Drought conditions will reduce the cfs flow of the LSR along with the volumes present in the reservoir. During periods of drought these flows and levels will reasonably be expected to be low. The historical records provide evidence of this.

10. Stantec consultant's EIA outlines a target riparian release of 3400 acre-feet in Table 6-1 (p. 6.5) expressed as total surplus volume from June to August without factoring in the proposed irrigation withdrawals. The average monthly surplus for the three months is assumed to be 1133 acre-feet or 37.77 acre feet per day. The proposed/assumed allocation would provide an instream flow of 17.030749 cfs. This is below the "current riparian release" of 18.5 cfs (as reported by Stantec). It is also below the proposed simultaneous and continuous daily rate of withdrawal of 19.6 cfs by the four pumps servicing 11 pivots out of 31 on a rotational basis while the project is operating. The riverine system cannot be sustained and can be reasonably expected to face severe degradation with greater frequency during drought periods.

11. A biologist working within Manitoba Conservation informed me in 2005 that the Province does not recognize the Tennant Method and its predictive capacity for prairie streams and rivers. However, the province does recognize the Tessman Method, derived from the Tennant Method and breaks the predictions of flow regime into two week intervals. The biologist informed me that employing the Tessman Method would show an exacerbation of the negative impacts that have been identified in the Tennant Method. In other words, if the project isn't viable using the Tennant Method, it would be deemed to be less viable when evaluated under the Tessman Method.

12. I lived near the Little Saskatchewan River and still visit it. I know from experience how low the water levels are downstream from the proposed intake position of the pumps. I have waded in the LSR in the reach downstream from the proposed project for extended distances (at least a mile as the river flows) without having to leave it. Indeed, the EIA states: "Canoeing is a recreational activity that occurs in the LSR during early spring runoffs or after heavy rains." (p. 6.29) The main factual and experiential reason canoeing activity is restricted to these conditions and times is because the depth of the water is too low even for a canoe during most of the summer months.

13. Contrary to the EIA, there is much more significant aquatic activity downstream of the pumping location than is identified therein.

Water Quality

1. The December 1998 report "Little Saskatchewan River Watershed Analysis," prepared for the Friends of Rivers Lake by Aquatic and Environmental Consultants Ltd., identifies problems with a degradation of water quality due to low water levels (water quantity) in the reservoir.

   "Water quality is affected by many criteria, and during the course of this study, was most affected by the extremely low water levels and flows. A consequence of this was the large algal blooms often associated with low flow conditions." (p. 20)

2. The algae identified in LSR Watershed Analysis reports two main algae's present in the reservoir; Aphanizomenon flos-aquae and Gomphosphaerium spp. "Also present in lesser numbers were Microcystis viridis, Pseudoanabaena constricta, Anabaena sp., and Lyngbya limnetica." (p. 20)

3. An increase in algal growth can "choke spawning habitat and remove oxygen from the water," (p. 9 Background Report for Friend of Rivers Lake, Aquatic and Environmental Consultants Ltd., July 1997)

4. AEC Ltd., acknowledged that "Although the (fish) habitat potential is high, excessive sediment and nutrient loading into the river are negatively affecting the water quality and fish habitat conditions." (p. 9 background report) Water levels are a factor in the amount and degree of sedimentation . Further, "Lake Wahtopanah is considered to have the largest sports fishery in southwestern Manitoba" and the lake is a Class 2 lake meaning it has "slight limitations for producing fish." (p. 10) Low water levels will compromise the fish production capacity of the Lake making the proponents plan to accommodate their irrigation needs by lowering the reservoir level as untenable. (These reports can be made available on request from the LSR Conservation District.)

5. The Town of Rivers sources its drinking water from Lake Wahtopanah. Negative changes in water quality as a result of reduced water levels in the reservoir can have significant health impacts on the residents of the Town of Rivers. The water treatment system for the Town relies on relatively good water quality from the source. The "Town of Rivers Public Water System Annual Report – 2010," (Attachment E) outlines the basic nature of the treatment system. Degradation of source water (again, designated under the *Nutrient Management Regulation* as a sensitive water body) ***must be prevented***. Mitigation is not an economical option for the Town. AEC Ltd. reports on page 21-22 that some of the species of algae found in the reservoir produce toxins that are deadly to animals that drink water polluted with these toxins. "Dense blooms of the species found can be highly toxic to livestock and other animals." Any change in water levels that increase the production of algae, such as lake level draw downs as proposed by the DIDG, increase the risk to the Town of Rivers population, livestock and wildlife relying on the river as a drinking water source.

What is in the Lower Reaches of the Little Saskatchewan?

The December 1998 report "Little Saskatchewan River Watershed Analysis," prepared for the Friends of Rivers Lake by Aquatic and Environmental Consultants Ltd., and the

background report identify significant riffle habitat for fish spawning and a number of species at risk which includes the Baird's Sparrow (endangered) and leopard frog. Indeed, the Little Saskatchewan is one of three Manitoba Rivers that contains unique riffle habitat. This must be preserved.

Riffle habitat in the lower reaches of the LSR has been identified as potential spawning areas for sturgeon entering the LSR from the Assiniboine River. Another species at risk.

The province of Manitoba in numerous publications identifies riparian areas around rivers and streams as significant remaining natural habitats that must be protected. It matters not that the Stantec team was unable to find Baird's Sparrows within the immediate pumping area, as the riverine system is an integrated system, degradation in water availability and quality due to the proposed project can have far-reaching impacts on the habitat for this endangered species and other species at risk. These effects cannot be mitigated. With declining habitat due to alterations by private landowners and increased pesticide use by agricultural producers, it is vitally important that existing public lands and systems that support these species be protected to prevent the extinction of these species.

Deficit Irrigation and Partial Root Drying Strategies as a Best Management Practice

The DIDG proposal does not reference these practices. In investigating the possibility of accommodating the project by using alternative irrigation management practices, it is clear that the environmental benefits of conserving water by using DI and PRD are outweighed by the significance of the loss of potato yield by the use of these alternative water saving practices. As such, it is reasonable to predict that the DIDG group will follow the practices outlined in the proposal with the expected 12 inch allocation for potatoes and 6 inches for other crops in the rotation, the feel test method of determining soil wetness and determining the need to irrigate crops.

In-stream flow needs as a result of an allocation of even half the amount of proposed withdrawal will not be able to be met if the project was restricted to the needs identified by Shaykewich's study noted above. The project simply proposes to use too much water.

Suitability of Land for Irrigation

A review of the Land Assessment Reports and Producer Surveys for the Daly Irrigation Development Project, Stantec, March 2012, identifies most of the lands slated for irrigation as "precautionary." Ground-truthing is lacking for new lands slated to be irrigated and "Phase 11" lands. This is unacceptable. The analysis lacks the rigor necessary to appropriately evaluate irrigation suitability. It is misleading to state that future investigations are necessary while assigning an irrigation suitability of Class 3 to these lands. I trust that Manitoba Conservation will not accept such shoddy methodology and a lack of essential and scientifically credible information. To accept this would be contrary to the province's commitment to make decisions based on credible science.

Groundwater Sources

Stantec reports that the current groundwater sources that supported the Devonridge irrigation needs is no longer economical and considered to be a reliable source. Water Licensing approved the Water Rights License for this groundwater source over the objections of a number of local residents, including myself. I continue to maintain that this groundwater source is not suitable.

Deerboine Allocation

The project involves a proposed transfer of Deerboine Holdings Ltd.'s current licensed allocation, sourced from the Assiniboine River, to the proposed DIDP licensed allocation, whose source is the LSR (p. 4.2). I object to this on three grounds. First, the Colony is not – as statutorily required -- listed as being a participant in/member of the applicant's ownership group (Table 4-1). The Corporation is not an applicant, and the proposed transfer of allocation cannot lawfully be included in the process. Secondly, while this transfer of allocation may appear to reduce the current over-allocation of Assiniboine River waters, in actuality it does not, since the LSR is an Assiniboine tributary. The net effect on system-wide allocations is zero. Finally, and more importantly, the proposed transfer in itself exacerbates the problems resulting from projected reduced LSR flows that I have identified.

Socio-Economic Benefits

The fact that the DIDG proposes to spend $3 million cannot, according to standard benefit cost analysis (see Federal Treasury Board Guidelines) be considered to be a benefit resulting from the project. It is a cost. Similarly, the fact that the project will involve employment is also a cost, not a benefit under these same guidelines. Moreover, the guaranteed destruction of a social resource (the riverine habitat) and the health of the Town of Rivers drinking water supply, are part of the full costs of this proposed development which must be considered under the framework of the Sustainable Development Act and the Environment Act. To quote Brandon University economics professor Joe Dolecki, " From the perspective of economic analysis this project represents another example where costs are socialized and benefits are privatized." From a benefit-cost perspective the project fails the test of economic viability when the full costs are accounted for.

(Note: Attachments provided as indicated. Attachments have been placed in public registry locations for the project.)

Disposition:

With respect to instream flow requirements, the determination of these requirements is a provincial responsibility. Although the Little Saskatchewan River is a priority stream for an instream flow determination, it is not anticipated that a determination will be available in the short term future. Accordingly, water can be allocated in a manner that protects existing minimum flows and allows for changes in the future when a more formal instream flow determination is available.

As noted in the above comments, the proposal suggests that the reservoir (Lake Wahtopanah) could be used to increase downstream flows to facilitate irrigation use. Although suggested in the proposal, operation of the reservoir is the responsibility of Manitoba Infrastructure and Transportation, and no arrangements have been made with the operators for this purpose. It is assumed that no changes in reservoir operation would be made as a result of the project.

The above comments discuss two desktop instream flow models - the Tennant and Tessman methods. The writer correctly notes shortcomings in the flow determinations provided by these models. This is why Manitoba has embarked on more site specific instream flow analyses for significant streams including the Little Saskatchewan River instead of using desktop models.

With respect to the Deerboine Irrigation project and its relationship with the present proposal, water allocation between the two projects will be addressed through Water Rights licensing. Only a few of the irrigated parcels licensed for the Deerboine project are part of the Daly project, and the proponents of the two projects are not the same. Consequently, the Environment Act Licence for the Deerboine project cannot be rescinded.

Non aquatic comments on terrestrial and agronomic matters can be addressed though licence conditions.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

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

The Sustainable Policy and Resource Management Branch and the Lands Branch have no concerns with the EA proposal for the Daly Irrigation Development Project.

Please note that all Crown lands in 29-11-21W and 11-12-21W are coded 7a (Hay and Grazing – no development allowed) and have been identified as candidate protected areas by the Protected Areas Initiative (PAI). These lands support intact critical mixed grass prairie and forested grassland habitats. NE 29-11-21W falls inside the Local Study Area identified in the EA Proposal, S ½ 29-11-21W borders the Local Study Area, and 11-12-21W lies east of the Little Saskatchewan River (also east of the Local Study Area).

Crown lands falling in southern Manitoba provide rare opportunities to protect some of the last remaining intact habitats in this part of the province before they disappear, including valuable grassland ecosystems providing critical wildlife habitat. It is crucial that a sample of the biodiversity found here be completely protected from development.

Any activity carried out under this license, if granted, is to remain outside the identified Crown Lands, and should be carried out in a way that ensure the critical habitats these lands support are not disturbed.

Disposition:

The Crown lands identified in these comments would not be affected by irrigation or irrigation infrastructure. The comments were provided to the proponent's consultant for information.

Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch

Parks and Natural Areas Branch has reviewed the proposal filed pursuant to the Environment Act for the Daly Irrigation Group – Daly Irrigation Development Project (Client File 5577.00) and has the following comments to offer.

This project may potentially negatively impact Rivers Provincial Park which is located adjacent to Rivers Reservoir (Lake Wahtopanah). This park provides boat access to the reservoir along with camping, fishing and beach opportunities. The proposed irrigation project states that there may be a drop in water levels up to 0.5m on the reservoir. This drop in water level could potentially have the following negative impacts on park infrastructure and park visitors:

1. Mud may be exposed between the existing beach and the reservoir. More sand may need to be brought in to redevelop the beach to retain its aesthetic and recreational qualities.
2. The boat launch may need to be relocated to deeper water or extended.
3. The current practice of tying up boats by the campground may no longer be possible.

Parks and Natural Areas Branch requires the proponent to provide a technical drawing indicating where the water's edge would be located if the project were operational and a 0.5m drop in water levels occurred. The Branch will then be able to determine the degree of impacts that the project would have on park users and infrastructure and will be better able to propose mitigation measures.

Disposition:

Reservoir impacts depend on whether or not additional releases are made to facilitate the operation of the Development during low flow periods. The low flow analysis in the Proposal indicates that water in excess of the normal riparian release from the reservoir is available in more than nine years out of ten during the June – August irrigation period. As this water normally leaves the reservoir as flow over the uncontrolled spillway, additional releases to accommodate the project would not normally be necessary.

Additional operation during extended dry periods will be discussed with the Water Stewardship Division of Conservation and Water Stewardship, and with Manitoba Infrastructure and Transportation. If it is decided to allow additional releases to accommodate water supply for the project during very dry periods, reservoir effects will be determined and discussed with the Parks and Natural Areas Branch as requested.

Manitoba Conservation and Water Stewardship – Wildlife Branch No wildlife related concerns.

Manitoba Conservation and Water Stewardship - Water Science and Management Branch, Water Quality Management Section

Please find below comments concerning EAP 5577.00 Daly Irrigation Development Project. Of principle concern with the proposal is to ensure that neither the water quality within the Little Saskatchewan River is adversely impacted by the development nor the withdrawal of water exceeds that required to maintain ecological structure and function within the aquatic ecosystem of the Little Saskatchewan River.

All pipelines shall be fitted with automatic one way check valves to prevent backflow of water into the Little Saskatchewan River.

To minimize leaching risk, there shall be no post harvest (fall) application of fertilizers to fields designated as having a moderate or high Potential Environmental Impact under Irrigation as listed the proposal.

Nutrient applications are to be in accordance to the Nutrient Management Regulation. Effective January 1, 2011, a Nutrient Management Plan must be registered with Manitoba Conservation and 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 N1, N2, and N3.

-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 acheivable.

- Post harvest soil samples (0-6" for Nitrate-Nitrogen and Olsen Phosphorus and 6-24" for Nitrate-Nitrogen) should be taken and the soil test results included in the annual report to confirm compliance with the Nutrient Management Regulation.

The licence should state that the Nutrient Management Regulation requires a three metre setback (Nutrient Buffer Zone - NBZ) be observed adjacent to the Little Saskachewan . The NBZ is measured from the high water mark or the top of the outermost bank whichever is further from the water. The application of nitrogen or phosphorus is prohibited within the Nutrient Buffer Zone. Application of nitrogen and phosphorus is also prohibited in roadside ditches and any first or second order drains (also considered to be within NBZ).

If any disturbance to the riparian area occurs the following should apply.

- silt curtains be installed several meters past the riparian margin along the right of way
- Biodegradable erosion control materials be used.,
- Re-vegetation should use a seed mix native to the area to prevent the spread of invasive species.
- It is also recommended that construction that could lead to sediment transport into waterways be halted during periods of heavy rain fall.

Disposition:

These comments can be addressed as licence conditions.

Manitoba Conservation and Water Stewardship - Water Science and Management Branch, Groundwater Management Section

All unused and abandoned water wells on the proposed lands should be properly sealed and an Abandoned Well Report filed with the Groundwater Management Section. Information on well sealing is available from http://www.gov.mb.ca/waterstewardship/water_info/misc/abandoned_wells.pdf. It is recommended that all but the most basic wells should be sealed by a well drilling professional.

Disposition:

Additional information was requested concerning plans for the decommissioning of wells on project land. This matter can also be addressed through a licence condition.

Manitoba Conservation and Water Stewardship – Water Use Licensing Section

The Water Use Licensing Section (WULS) accepts that there will be sufficient water in the system most years to support this project as outlined in the EIA document. In Section 8.2 (Operation) of the document the proponent has committed to do the following things once the project is in operation:

- Irrigation system monitoring will occur on a 24-hour basis during the operation of the irrigation system. The primary purpose of the monitoring system is to ensure that the irrigation pumps, pipeline and pivots are operating properly.
- The project manager will maintain records of Little Saskatchewan River water usage as may be required under the Water Rights Licence and/or Environment Act Licence. The proponent anticipates that the pumping and irrigation flow monitoring will include:

    1. Total seasonal abstracted volumes; and,
    2. Real time record of the amount of water withdrawn on an hourly basis.

- The height of the intake screen above the river bottom will be monitored.
- The implementation of additional monitoring including stream flow monitoring downstream of the project to ensure that the environmental effects of the project are minimized.

Before the WULS can commit to issuing a water rights licence for the project we will need to receive greater details on these commitments. Some of the details that need to be expanded upon will include the location and operation of the downstream gauging station.

WULS also believes that the historic stream gauging station (MF018) located near where Provincial Trunk Highway 25 crosses the Little Saskatchewan River will also have to be reactivated during the irrigation season at the proponent's expense.

Large scale irrigation from the Little Saskatchewan River would not be possible without the presence of the Rivers Reservoir which was built many decades ago at public expense. However, it is our understanding that the release structure on the dam is in need of some upgrades. The EIA document is silent on this point. In addition, the document is silent on who manages the structure (assumed to be MIT) and if any discussions have occurred between MIT and the project proponents.

Greater clarity and specificity on these matters by the proponent is required before a water rights licence can be issued for the project.

Disposition:

Water Use Licensing staff will follow up directly with the proponent and their consultants on these matters, and Water Use and Environment Act licensing will be coordinated.

Manitoba Conservation and Water Stewardship – Office of Drinking Water

On behalf of ODW, I reviewed the above noted EAP for an expansion of an agricultural irrigation project located south-west of the Town of Rivers MB. The proposed project will draw irrigation water from the Minnedosa (AKA Little Saskatchewan) River (LSR) downstream from the Rivers Dam.

I noted two points:

1. The EAP notes the volume of water the proponent wishes to withdraw from the river and notes it will be within riparian allowances. While the flow in the LSR is probably only a small fraction of the flow in the Assiniboine River, the LSR empties into the Assiniboine River approximately 6 miles upstream of the raw water intake for the City of Brandon public water system. It would have given a measure of comfort if the consultant had noted the minimum flow in the Assiniboine River, compared this to the City of Brandon water use and noted the degree to which the proposed irrigation withdrawal will reduce the water available for the City of Brandon water system.
2. As noted in 1. above, the water intake of the City of Brandon public water system is downstream of the proposed irrigation project. The EAP notes that check valves in the irrigation system will prevent water from the irrigation pipes from returning to the LSR and that emergency procedures will be in place in the event of a spill of chemicals, fuel or other substances into the LSR. In view of the proximity of the proposed irrigation project to the City of Brandon water intake, ODW would recommend a clause be included in the Emergency Procedures requiring that the water treatment plant operators of the City of Brandon be notified in the event a major spill does occur from the proposed development.

Apart from the above noted points, ODW has no other concerns with the EAP or the proposed development.

Disposition:

Minimum flows on the Assiniboine River are an order of magnitude greater than low flows on the lower Little Saskatchewan River, and the project is expected to have an insignificant effect on water supply for the City of Brandon. The City also uses a supplementary groundwater

supply during summer months and low flow periods. With respect to spills, notification can be required through a standard licence condition for spill reporting.

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

Manitoba Innovation, Energy and Mines, Mines Branch No concerns.

Manitoba Infrastructure and Transportation – Highway Planning and Design Branch

- The proposal indicates requirements for future irrigation lines to be installed through Provincial Road (PR) 250 and 259, these installations will require and underground utility agreement prior to commencing the work.
- If the proposed project requires any additional direct access onto PR 250 or 259, the proponent should be informed that, under the Highways and Transportation Act, any new, modified or relocated access connection onto a PR will require a permit from Manitoba Infrastructure and Transportation. A permit may also be required for any construction (above or below ground level) within 38.1 m (125 ft) or for any plantings with 15.2 m (50 ft) from the edge of the right of way of PR 250 or 259.
- Please contact Ashley Beck (Regional Planning Support Tech) at (204) 726-7000 or by e-mail Ashley.Beck@gov.mb.ca) for further information.

Disposition:

This information was provided to the proponent's consultant for information.

Manitoba Local Government, Community Planning Services Branch

I have reviewed the above referenced proposal as circulated by your office on April 26, 2012. My comments are as follows:

1. Municipal and Provincial Roads:

- The proponent should seek the approval of the municipality for those portions of the proposed irrigation pipeline which are to be located within or crossing the rights-of-way of municipal roads, as the irrigation pipeline and its components represent structures in the municipal right-of-way.

- The proponent should provide the municipality with a set of "as-built" drawings showing the location of all constructed surface and subsurface components of the proposed irrigation system located within or crossing municipal road right of ways

(including the location, sizing and depth below finished grade of all pipelines, valves etc).

- The proponent and the municipality should consider entering into a written agreement that identifies roles and responsibilities and minimum standards of construction that the proponent will satisfy where municipal road right of ways/crossings are disturbed during construction, installation, maintenance or replacement of the irrigation pipeline and its related components.

- If any portion of the proposed pipeline is to be located within or cross any provincial road or highway right of way, the proponent should seek the approval of the provincial authority having jurisdiction.

2. Navigation Safety - The position of the floating pump intake in the Little Saskatchewan River may represent a hazard for watercraft using the river. Suitable marking of the pump float platform and any guy wires anchoring them to the shoreline should be considered by the proponent.

3. Flood Risk - It is recommended that all storage or/or service buildings related to the water intake system be located above the 100 year flood level, particularly if they will be used for storage of fuels or other hazardous material.

Additional Comments:

From my review of the project proposal, I note the following matters which should be addressed:

- Section 3.2 (p.3-1) and Section 3.2.4 (p.3-3) of the proposal make reference to the (PLUPS) Provincial Land Use Policy Regulation 184/94. Please be advised that in June 2011 this regulation of the Planning Act was repealed and replaced with the (PPS) Provincial Planning Regulation 81/2011. It is recommended the proposal be revised to reflect the adoption of the new (PPS) Regulation.

- Section 6.6.2 (p.6-22). The first line of this paragraph indicates that the population of the Town of Rivers was 150 persons in 2006. Later on in the same paragraph, a population of 1,193 is used which is also reflected in Table 6-8. It is recommended the first line of the 1st paragraph in Section 6 be revised to show the correct 2006 population of the Town of Rivers.

- The Little Saskatchewan River contributes to the raw water supply for the City of Brandon. It is therefore recommended this proposal be circulated to the City of Brandon for review and comment.

Disposition:

These comments were provided to the proponent's consultants for information.

Manitoba Agriculture, Food and Rural Initiatives - Crops Branch

I have reviewed the Environment Impact Assessment for the Daly Irrigation Development Project prepared by Stantec dated March 2012. The review included the Land Assessment Reports and Producer Surveys also completed by Stantec, March 2012.

Comments.

The project describes an irrigation project that includes 31 land parcels. Many of these parcels are already under irrigation either as part of the Deerboine project or the Devonridge project.

16 of the parcels were assessed for irrigation development under the Deerboine project EAL 2516. These parcels are identified in TABLE 4-1 Land Ownership and Lease Relationships.

There are no additional comments regarding these 16 parcels of land.

Of the remaining 15 parcels, 9 parcels are identified as requiring Phase II soils investigation. These parcels are listed on Table 3-1 of the Land Assessment and Producers Surveys. Comments on these 9 parcels will be deferred until the additional soils information is received.

The remaining 6 parcels are part of the Devonridge project. These 6 parcels are presently being irrigated with groundwater. The applicant proposed to change the source of the water from ground water to surface water. There is no change in land use associated with the change in the source of water. The land is presently being used for irrigated crop production, and irrigated crop production will continue.

As part of the Land Assessment Reports and producer surveys, the proponent identifies the risks of soil erosion and describes the practices being taken to lessen the risk of soil erosion. The practices include the use of cover crops when potatoes are harvested early, zero tillage of rotational crops, leaving steeper slopes in permanent cover and partial incorporation of potato residue.

For nutrient management the producer is using techniques for that include soil and petiole testing, the use of fertigation and the use of slower release nitrogen fertilizer. The risks associated with applying nutrients are identified in the proposal and the management strategies are appropriate.
The importance of irrigation scheduling is described and the producer is using an appropriate methods for determining the moisture level of the soil and basing irrigation applications accordingly.

Since the project does not have a change in land use, the environmental concerns associated with the production of irrigated crops on the soils presently being 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 above. 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 is not likely required for this project. I have enclosed copies of the received responses for your file.

Transport Canada (TC) has requested additional information to determine its requirements for the project. TC has determined that the project works may potentially interfere with navigation on waterways and may therefore require an approval under the *Navigable Waters Protection Act*. The proponent is advised to apply to the Navigable Waters Protection Program for approval.

The Department of Fisheries and Oceans (DFO) has reviewed the project information and determined it is not a responsible authority (RA) for the project. DFO has indicated it could provide its expertise to an RA if requested. The contact person for DFO is Tammy Wruth. She can be reached by phone at (204) 622-4068. DFO would like to be kept informed of the provincial review process.

Environment Canada (EC) has also reviewed the project information and determined it is not an RA for the project. However, EC could provide expert advice related to its mandate to an RA if requested. EC has also provided a letter with comments for the proponent, outlining concerns in the following areas:

1. Migratory Birds
2. Species at Risk
3. Water Quality
4. Wetlands

The contact person for EC is Meghan Thomson. She can be reached by phone at (204) 984-3316. EC would also like to be kept informed of the provincial review process.

Disposition:

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

ADDITIONAL INFORMATION:

Additional information was requested on June 1, 2012 to address TAC comments respecting the decommissioning of abandoned wells in the project area. The consultant responded on June 13, 2012, indicating that decommissioning was not planned for any existing wells. Well decommissioning can be addressed through a licence condition.

In the event that Manitoba Infrastructure and Transportation (MIT) is agreeable to making additional operations at the Rivers Dam (Lake Wahtopanah) to facilitate increased irrigation during low inflow periods, additional information from MIT concerning reservoir effects may be required.

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 Daly Irrigation Development 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 through licence conditions. 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 Western Region of the Environmental Compliance and Enforcement Branch.

PREPARED BY:

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June 14, 2012
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