

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Manitoba Natural Resources
PROPOSAL NAME: Netley Creek Enhancement Project
CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 4408.00

OVERVIEW:

The Proposal was received on December 17, 1998. It was dated December 9, 1998. The advertisement of the proposal was as follows:

“A Proposal has been filed by Manitoba Natural Resources – Central Region for the reconstruction of Netley Creek in section 36-15-3E and in sections 10 and 11-16-3E. These locations are west of PTH 8 in the Rural Municipality of St. Andrews. The project is part of an ongoing program of reconstruction on Netley Creek. The proposed work includes channel widening to increase capacity, and the construction of berms and dykes to prevent flooding on adjacent land. Rockfill riffle structures are proposed in a number of locations to improve fish habitat and to stabilize the bed and banks of the creek. Construction is proposed for the late summer and fall of 1999.”

The Proposal was advertised in the Stonewall Argus, the Gimli/Arborg Interlake Spectator and the Selkirk Journal on Monday, January 4, 1999. It was placed in the Main, Centennial, Eco-Network and Selkirk Community Library public registries. It was distributed to TAC members on December 29, 1998. The closing date for comments from members of the public and TAC members was January 29, 1999.

COMMENTS FROM THE PUBLIC:

Richard Masters - Don't know how draining more silt and human and animal waste into Netley and Wavey creeks can be justified. These creeks are already choked with mud that has deposited over the last fifty years. Over the last few years the mud banks at the mouth of Netley and Wavey creeks double in size annually. Contaminated water coming down the creeks can't flow into the marsh but settles into the creek beds. What is the use of producing more fish stocks if all the fish are going to be poisoned? Before making any changes in the drainage system west of #8, another way should be found of moving contaminated water into Netley Marsh where nature could try to undo some of the damage before it is too late.

Disposition:

The project is intended to provide increased channel conveyance capacity and improved channel stability. The completed project would have no water quality impacts since it would not affect the quality of water entering the project reach and flow through the reach would not reduce water quality. No action is necessary to address these concerns.

Lorna and Dave Doolan - Oppose the project. Correspondence enclosed concerning the acquisition of our property by Land Management Services. Flooding of our property was never a concern prior to the introduction of this project. Leaving the creek in its natural

.../2

state in front of our home was discussed and the project engineer decided that its capacity was acceptable after a more extensive survey was done. Opposed to the project for many reasons, and feel that the project should have gone through a public hearing process to begin with – we are still unclear as to who will benefit and at what cost to our environment. (Enclosures indicate that the writers own property on both sides of the creek and the creek bed, and enjoy the natural beauty of the creek and its wildlife. The initial plan for reconstruction through their property involved channelization and dyking along both sides of the reconstructed channel. This would also have resulted in the removal of significant wooded areas adjacent to the creek on their property, including shelterbelt trees.)

Disposition:

These comments were discussed with the Proponent. Modifications have been made to the design of the project to address fisheries concerns as discussed below. These modifications also substantially address the reported concerns of the writers.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Environment - Water Quality Management - No long term impacts to water quality. As usual there would be some increased suspended sediment during construction. However, with construction occurring during low flows in summer or early fall these impacts are reduced. There has been consultation with Fisheries Branch and the placement of riffles and the re-seeding of banks should also help mitigate negative impacts caused by channel modifications. The mitigation and compensation measures outlined in Section 5.1 appear acceptable.

Historic Resources Branch - Contrary to Section 3.0 of the Proposal, which indicates that there will be no impacts to heritage resources, heritage objects dating as early as 800 AD have been removed from the surface of cultivated fields in SW SE 1-16-3E and NE 36-15-3E. It is not known how Natural Resources determined that there were no heritage resources in the project area, since the Branch was not contacted about the project. It is noted that the Netley Creek channel was widened and dykes were constructed in 1997. The archaeological site in SE 1-16-3E may have been impacted as a result of this construction. Section 12(2) of The Heritage Resources Act states that the owner/developer of lands to be developed may be required to conduct, at his own expense, a heritage resource impact assessment and mitigation, if necessary, prior to the project's start.

The Branch has no objection to the work proposed in sections 10 and 11-16-3E, as the original stream course has been altered by drain construction. There may be concerns with stream enhancement in section 36-15-3E. A staff archaeologist will examine this location to reassess the area of previously recorded heritage resources to determine if significant resources are present below the plowzone and the potential for impact to them from channel widening. SE 1-16-3E will also be re-examined. A copy of Branch findings will be forwarded as soon as the field assessment has been completed. If further measures need to be taken, the Branch will contact Natural Resources to develop a mutually acceptable heritage resource management strategy.

Disposition:

No further action is necessary to address these concerns.

.../3

Mines Branch - No concerns.

Highway Planning and Design - No concerns.

Community Economic Development Branch (Selkirk) - No concerns.

Urban Affairs - No concerns.

Canadian Environmental Assessment Agency - An environmental assessment under The Canadian Environmental Assessment Act with respect to this project will be conducted by Fisheries and Oceans. Additional information will be requested. Environment Canada and Natural Resources Canada have offered to provide specialist advice in accordance with section 12(3) of the Act. The Canadian Coast Guard is requesting more information prior to making a determination.

Fisheries and Oceans - The project as proposed would result in the destruction of fish habitat and a Fisheries Act Authorization would be required prior to project commencement. The Regional Engineer for the Proponent has indicated that aspects of the proposal will be reevaluated to determine whether the bed and banks can be left intact. As such, it is proposed not to initiate a review of the project until the proponent provides an indication of whether the project description is going to change.

Disposition:

After considerable discussion and review, construction plans for the project were altered as discussed in the attached letter of June 15, 1999 to DFO. DFO's response to the letter is provided in the attached letter of June 28, 1999. DFO concerns have been satisfactorily addressed by the alteration in the construction plans. DFO has concluded that the project as revised is not likely to cause significant adverse effects on fish and fish habitat after taking into account proposed mitigation measures.

PUBLIC HEARING:

A public hearing is not recommended.

RECOMMENDATION:

All environmental concerns can be addressed through licence conditions. Accordingly, it is recommended that the Development be licensed under The Environment Act subject to the limits, terms and conditions as described in the attached Draft Environment Act Licence. It is further recommended that enforcement of the Licence be assigned to the Eastern-Interlake Region.

PREPARED BY:

Bruce Webb
Environmental Approvals - Environmental Land Use Approvals
July 7, 1999

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