



Environment and Climate Change

Environmental Approvals Branch
Box 35, 14 Fultz Boulevard
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EABDirector@gov.mb.ca

File No.: 6173.00

August 8, 2024

Russell Jonk
Jonk Generation Farm Ltd.
Box 60
Bruxelles MB R0G 0G0
rjonk@hotmail.com

Dear Russell Jonk:

Re: Swansfleet Alliance - Irrigation Project - Environment Act Licence No. 3425

Please find enclosed the Environment Act Licence in response to your proposal dated January 18, 2023. You wish to build and operate an irrigation project in the Municipality of Norfolk Treherne.

All licence requirements and federal, provincial, and municipal regulations and by-laws must be followed. The licensee must get approval from the director per The Environment Act to alter the development.

Anyone affected by this decision may appeal, in writing, to the Minister of Environment and Climate Change at minecc@manitoba.ca by September 7, 2024. The licence is available on the public registry at <https://www.gov.mb.ca/sd/eal/registries/index.html>.

If you have any questions regarding this approval, please contact Tyler Kneeshaw, Regional Supervisor, Environmental Compliance and Enforcement Branch at EnvCEPortage@gov.mb.ca or 204-239-3608.

Sincerely,

Original Signed By
Agnes Wittmann
Director
The Environment Act

Enclosure

c. Tyler Kneeshaw

THE ENVIRONMENT ACT
LOI SUR L'ENVIRONNEMENT



LICENCE

File No.: 6173.00

Licence No. / Licence n°: **3425**

Issue Date / Date de délivrance : **August 8, 2024**

In accordance with The Environment Act (C.C.S.M. c. E125)/
Conformément à la Loi sur l'environnement (C.P.L.M. c. E125)

Pursuant to Section 11(1) / Conformément au Paragraphe 11(1)

THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:

Jonk Generation Farm Ltd.; "the licensee"

for the construction and operation of the development being an irrigation project in the Rural Municipality of Norfolk Treherne as identified in Schedule A of this licence, obtaining spring and summer water flow for irrigation from the Assiniboine River, following the Environment Act Proposal dated January 18, 2023, additional information dated August 1, 2023, December 6, 2023, December 15, 2023, February 8, 2024, and subject to the following specifications, limits, terms, and conditions:

DEFINITIONS

In this licence,

"accredited laboratory" means an analytical facility accredited by the Standards Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Environment and Climate Change to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the director;

"approved" means authorized by the director or assigned environment officer in writing;

"director" means an employee so designated under The Environment Act;

"environment officer" means an employee so designated under The Environment Act;

"waste disposal ground" means an area of land designated by a person, municipality, provincial government agency, or crown corporation for the disposal of waste and approved for use under the Waste Management Facilities Regulation, or any future amendments, or a licence under The Environment Act; and

"water body" means any body of flowing or standing water, whether naturally or artificially created, and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, slough, marsh, swamp and wetland, including ice on any of them, as defined in The Water Protection Act.

GENERAL TERMS AND CONDITIONS

Retain Copy of Licence

1. The licensee must at all times maintain a copy of this licence at the development or at the premises from which the development's operations are managed.

Alterations to the Development

2. The licensee must obtain approval from the director for any proposed alteration to the development before proceeding with the alteration.

Future Sampling

3. In addition to any of the following specifications, limits, terms and conditions specified in this licence, the licensee must, upon the request of the director:
 - a) sample, monitor, analyze and/or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants or ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated with the release of any pollutant(s) from the development;
 - c) conduct specific investigations in response to the data gathered during environmental monitoring programs; or
 - d) provide the director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.
4. The licensee must, unless otherwise specified in this licence:
 - a) carry out all preservations and analyses on liquid samples in accordance with the methods prescribed in the most current edition of Standard Methods for the Examination of Water and Wastewater or in accordance with equivalent preservation and analytical methodologies approved by the director;
 - b) carry out all sampling of, and preservation and analyses on, soil, compost, and air samples in accordance with methodologies approved by the director;
 - c) have all analytical determinations undertaken by an accredited laboratory; and
 - d) report the results to the director, in writing and in an electronic format acceptable to the director, within 60 days of the samples being taken.

Reporting Format

5. The licensee must submit all information required to be provided to the director or environment officer under this licence, in written and electronic format, in such form (including number of copies), and of such content as may be required by the director or environment officer, and each submission must be clearly labelled with the licence number and file number associated with this licence.

Equipment and Process Upset

6. The licensee must, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling the 24-hour environmental accident reporting line at 204-944-4888 (toll-free 1-855-944-4888). The report must indicate the nature of the event, the time and estimated duration of the event, and the reason for the event.
7. The licensee must, following the reporting of an event under clause 6,
 - a) identify the repairs required to the mechanical equipment;
 - b) undertake all repairs to minimize unauthorized discharges of a pollutant;
 - c) complete the repairs following any written instructions of the director and/or the environment officer; and
 - d) submit a report to the director about the causes of breakdown and measures taken, within one week of the repairs being done.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Project Scope

8. The licensee must, unless otherwise approved by the director in writing, construct the water diversion and management works and irrigate the lands described below:
 - a) a river pumping system with an allocated capacity of up to 774 cubic decametres in NW 18-9-9 WPM as shown in Schedule A of this licence; and
 - b) annual irrigation of up to 254 hectares as shown in Schedule A of this licence.

Construction - General

9. The licensee must notify the assigned environment officer not less than two weeks prior to beginning construction of the development. The notification must include the intended starting date of construction and the name of the contractor responsible for the construction.
10. The licensee must restrict construction and operational activities to only such lands to which the licensee possesses legal control, by ownership or by rental, lease, or other agreement.

11. The licensee must, during construction and maintenance of the development, operate, maintain, and store all materials and equipment in a manner that prevents any deleterious substances (fuel, oil, grease, hydraulic fluids, coolant, paint, uncured concrete and concrete wash water, etc.) from entering any waterbodies, and have an emergency spill kit for in-water use available on-site during construction.
12. The licensee must dispose of non-reusable construction debris from the development at a waste disposal ground.
13. The licensee must revegetate areas disturbed by the construction of the development with a mixture of native or introduced grasses or legumes. These areas must be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds. Native species must be used to revegetate areas where native species existed prior to construction.
14. The licensee must, during construction of the development, take all appropriate measures to prevent erosion and the deposition of sediment into any water body.
15. The licensee must locate fuel storage and equipment servicing areas established for the construction and operation of the development a minimum distance of 100 metres from any water body, and must comply with the requirements of the Storage and Handling of Petroleum Products and Allied Products Regulation or any future amendments.
16. The licensee must collect and dispose of all used oil products and other regulated hazardous wastes generated by the machinery used in the construction and operation of the development following applicable legislation and Manitoba Environment and Climate Change requirements.
17. The licensee must, during construction and maintenance of the development, prevent the introduction and spread of foreign aquatic and terrestrial biota by cleaning equipment before its delivery to the site of the development following the requirements of the Aquatic Invasive Species Regulation or any future amendments.
18. The licensee must not remove, destroy, or disturb species listed as rare, endangered, or of special concern, or their habitats. These species are listed in the Threatened, Endangered and Extirpated Species Regulation or any future amendments, and in the federal Species at Risk Act.
19. The licensee must comply with the requirements of The Heritage Resources Act, and suspend construction and immediately notify the Historic Resources Branch if heritage resources are encountered during the construction of the development.
20. The licensee must install buried pipelines on cultivated land or land in its natural state following the methodology illustrated in Schedules B, C, and D of this licence. These procedures do not apply when a plough, continuous trencher, or directional drill is used to install a pipeline.

21. The licensee must not undertake instream construction activities in connection with the development:
 - a) between April 1 and June 30 of any year; and
 - b) during periods of high streamflow.

Operation – Water Management and Water Quality Protection

22. The licensee must, if water withdrawals occur after the spring runoff period and when non-forage fish species are present at the withdrawal site, screen the pump intake associated with the development following the Department of Fisheries and Oceans publication "Freshwater Intake End-of-Pipe Fish Screen Guideline" (March, 1995).
23. The licensee must, if screens are installed according to clause 22 of this licence, alter the screens on the pump intakes if future research indicates that different design criteria are appropriate for water withdrawals prior to July 1 of any year.
24. The licensee must divert water to the development from Assiniboine River in NW 18-9-9 WPM as specified in a Water Rights licence issued under The Water Rights Act.
25. The licensee must:
 - a) install flow meters on pumps used to divert water into the development; and
 - b) record rates of water pumped, duration of pumping, daily volumes, and accumulated volumes of water pumped for the season on a daily basis while irrigating.
26. The licensee must install backflow prevention devices and maintain them in operational condition at all times if fertilizer or crop protection products are applied through the irrigation system of the development.
27. The licensee must, if fertilizer or crop protection products are applied through the irrigation system of the development, not allow irrigation water containing these materials to be applied to or drain to surface water bodies.
28. The licensee must comply with the requirements of the Nutrient Management Regulation or any future amendments.
29. The licensee must not apply nutrients within eight metres of nutrient buffer zones, including roadside ditches and drains.
30. The licensee must work with the Drainage and Water Rights Licensing Branch of Environment and Climate Change or any future department responsible for administration of The Water Rights Act to comply with the requirements of offsetting the loss or alteration of wetlands as defined in The Water Rights Act and any future amendments.

Operation – Land Management and Soil Quality Protection

31. The licensee must implement agronomic practices described in the document “Draft Best Management Practices Manual 1999” by the Central Manitoba Irrigators Association and Central Manitoba Resource Management Ltd., regarding general agronomic practices, or future versions.
32. The licensee must manage phosphorus as well as nitrogen in all nutrient management plans developed according to clause 31 of this licence.

Monitoring and Reporting

33. The licensee must, unless otherwise approved by the director or environment officer, provide an annual report on monitoring for the development, including the information required in clauses 25 of this licence.
34. The annual report must be provided, by March 1 of the following year, to the environment officer responsible for the administration of this licence. The report must be provided in a format approved by the environment officer.
35. The licensee must maintain records of soil test results and nutrient application information for the development for a period of not less than five years, and provide this information to the environment officer on request.

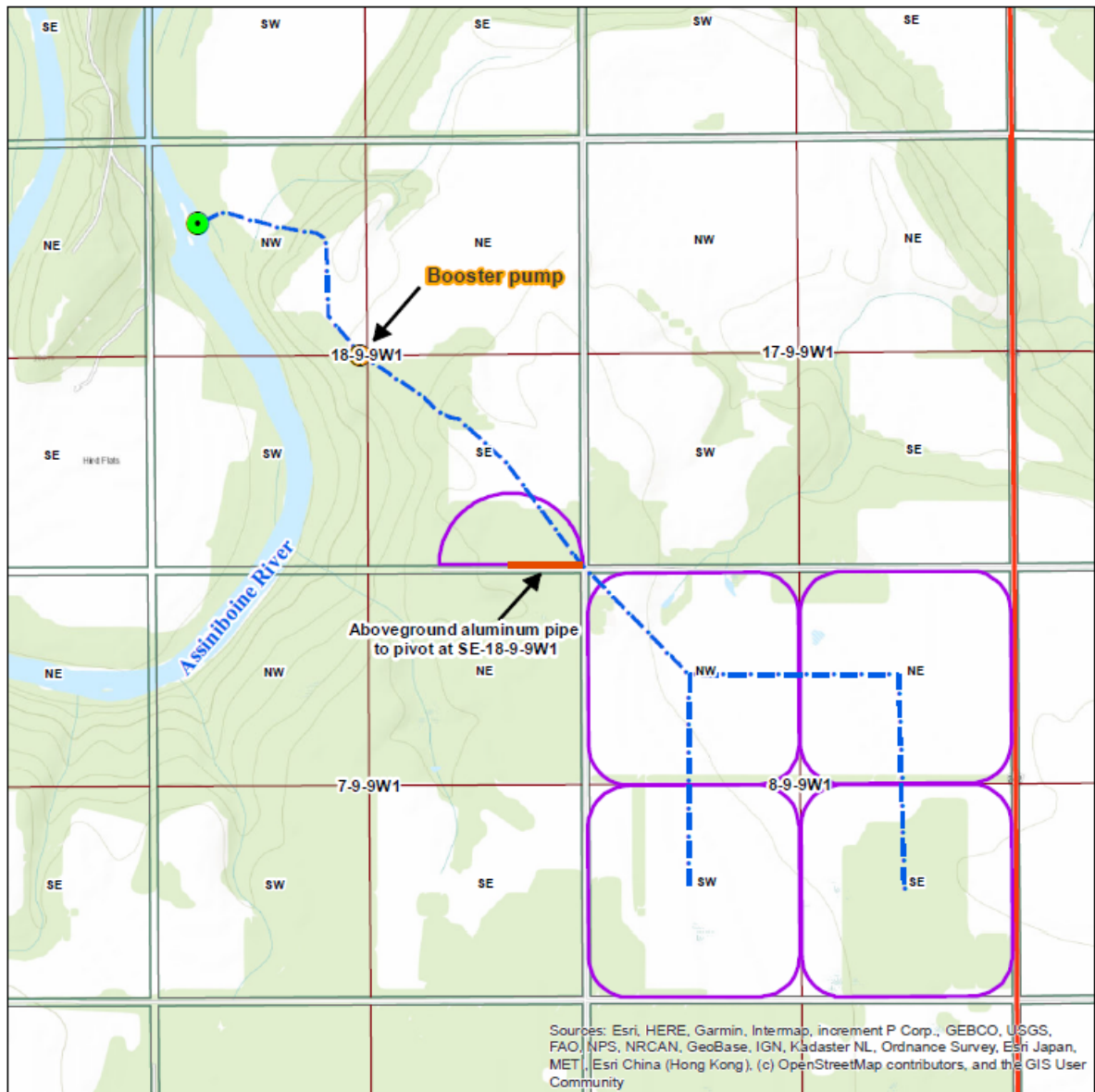
REVIEW AND REVOCATION

36. If, in the opinion of the director:
 - a) the licensee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this licence, the director may, temporarily or permanently, revoke this licence; or
 - b) for purposes of effective environmental management, a change in the specifications, limits, terms, or conditions of this licence is necessary, the director may amend the licence accordingly and thereafter the licensee must comply with the licence as amended.
37. If, in the opinion of the director, new evidence warrants a change in the specifications, limits, terms or conditions of this licence, the director may require the filing of a new proposal pursuant to Section 11 of The Environment Act or request the filing of a Notice of Alteration pursuant to Section 14 of The Environment Act.
38. If the licensee has not commenced construction of the development within three years of the date of this licence, the licence is revoked.

Original Signed By
Agnes Wittmann
Director
The Environment Act

Schedule A to Environment Act Licence No. 3425

The Swansfleet's Irrigation project layout following clause 8 of the licence.



Map Number

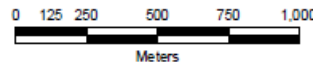
3 rev

Map Name

Project Infrastructure

Project Name

Swansfleet Irrigation Project



Legend

Intake Pump

Booster Pump

Pipeline

Pivot

Provincial roads

DRAWING SCALE
1:20,000

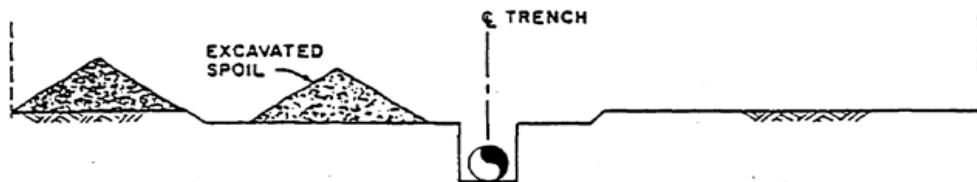
DATE
November 20, 2023

Schedule B to Environment Act Licence No. 3425

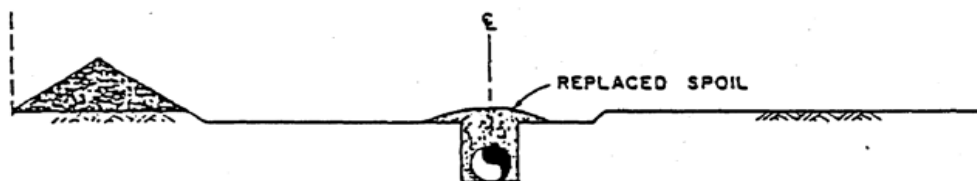
Topsoil handling following clause 20 of the licence.



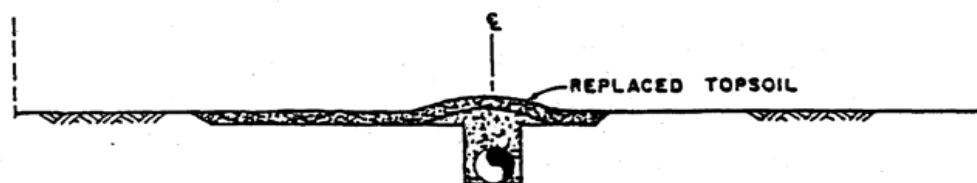
1. TOPSOIL STRIPPED



2. TRENCH EXCAVATED



3. TRENCH BACKFILLED

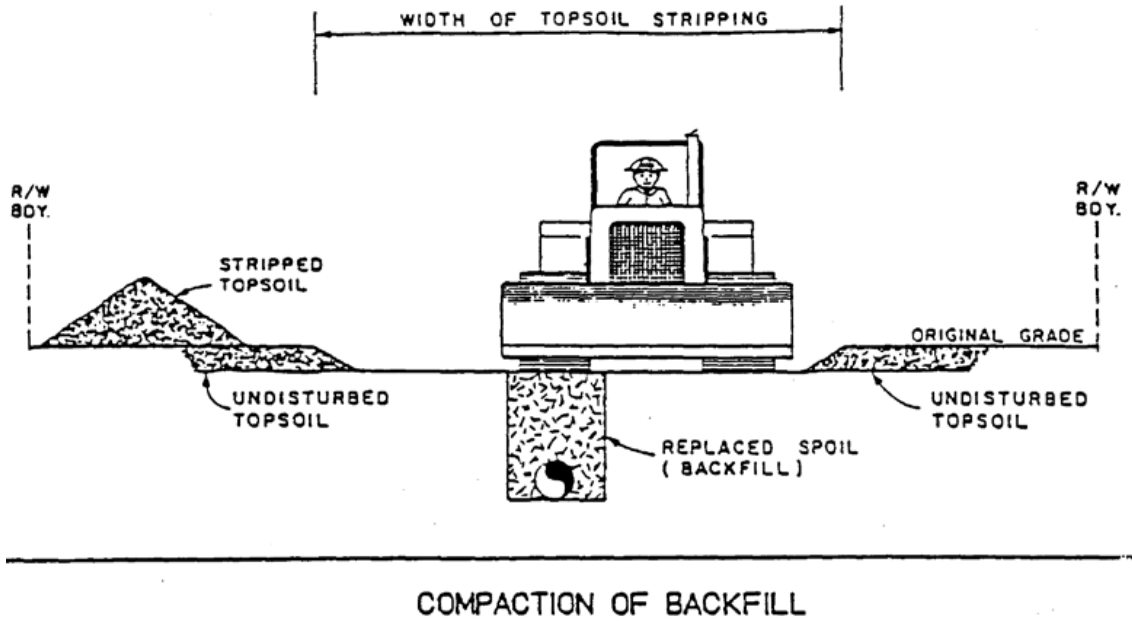


4. TOPSOIL REPLACED

SEQUENCE OF TOPSOIL HANDLING

Schedule C to Environment Act Licence No.3425

Topsoil compaction following clause 20 of the licence.



Schedule D to Environment Act Licence No. 3425

Trench roaching following clause 20 of the licence.

