

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Jonk Generation Farm Ltd.
PROPOSAL NAME: Swansfleet Alliance – Irrigation Project
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Water Development and Control
CLIENT FILE NO.: 6173.00

As part of the [environmental assessment and licensing process](#), the purpose of this document is to summarize comments received from the public and government's Technical Advisory Committee (TAC), and how they are addressed. It includes a recommendation to inform the director's licensing decision.

OVERVIEW

Swansfleet Alliance submitted a proposal dated January 18, 2023, to build an irrigation project in the Municipality of Norfolk Treherne. They plan to divert 774 cubic decametres of water from the Assiniboine River at NW 18-9-9 WPM to irrigate about 254 hectares (627 acres) of croplands on portions of 8-9-9 WPM and SE 18-9-9 WPM. The proponent will divert late spring, summer, and early autumn flow from the Assiniboine River. If approved, they will build the project in 2024 and irrigate in 2025.

The proposal was advertised in the Treherne Times on March 23, 2023. It was placed in the online Public Registry as follows: <https://www.gov.mb.ca/sd/eal/registries/6173/index.html>.

The proposal was distributed to Technical Advisory Committee (TAC) members on March 14, 2023.

The closing date for comments from members of the public and TAC members was April 24, 2023. The department shared the TAC comments and requested for additional information on June 30, 2023. The proponent provided responses to the additional information on August 1, 2023. An alteration to the development was submitted on December 15, 2023, and updated on February 8, 2024.

COMMENTS FROM THE PUBLIC

The department did not receive any public comments on the proposal during the comment period.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Technical Advisory Committee (TAC) responses are listed in Table 1 below. Substantive comments and their dispositions follow the table. TAC comments are provided in full in the public registries at <https://www.gov.mb.ca/sd/eal/registries/6173/index.html>.

Table 1 Swansfleet Alliance – Irrigation Project
Technical Advisory Committee Comments

No	Technical Advisory Committee Member	Response Provided
1	Manitoba Environment and Climate Change (Formerly Manitoba Environment and Climate)	
	Environmental Approvals:	
	• Energy unit	April 14, 2023
	• Air Quality Management	No response
	Environmental Compliance and Enforcement Branch	April 4, 2023
	Office of Drinking Water	March 15, 2023
	Drainage and Water Rights Licensing Branch	April 11 & June 28, 2023
	Water Science and Watershed Management Branch:	
	• Water Quality Management Section	No response
	• Groundwater Management Section	No response
	Climate Change and Clean Technology	No response
2	Manitoba Agriculture – Land Use and Ecosystem Resilience	No response
3	Economic Development, Investment, Trade and Natural Resources (Formerly Manitoba Natural Resources and Northern) Development	
	Parks Branch	March 14, 2023
	Wildlife Branch	No response
	Fisheries Branch	No response
	Forestry and Peatlands Branch	March 20, 2023
	Lands Branch	No response
	Mines	March 14, 2023
	Petroleum	March 24, 2023
4	Sport, Culture, Heritage and Tourism (Formerly Manitoba Sport, Culture, and Heritage – Historic Resources Branch)	April 24, 2023
5	Municipal and Northern Relations (Formerly Manitoba Municipal Relations - Community Planning Branch)	No response
6	Manitoba Transportation and Infrastructure – Environmental Services Branch	April 17, 2023
7	Health, Seniors and Long-Term Care - Regional Health Authority	March 29, 2023
8	Impact Assessment Agency of Canada	No response

Drainage and Water Rights Licensing Branch

Water Rights – No concerns.

- An application has been submitted for the allocation and the proponent is in good standings with the scope of the project based on the allocation amount.

Drainage – See comments below.

- A separate application must be made to Manitoba Environment and Climate Change for the tile drainage permit(s) to allow for the improved drainage of the irrigated fields in Section 8-9-9 W1.
- Under the Drainage of Canada Land Inventory (CLI) Soil Capability for Agriculture (1965) Class 6 and 7 and unimproved organic soils cannot be approved for drainage. It has been determined there is works proposed on Class 6 soils and the onus is on the applicant to demonstrate that the area being drained is not class 6 as substantiated with a pedologist's report.
- Authorization cannot be provided for works that will result in the loss or alteration of a Class 4 or Class 5 wetland; please note that the proposed irrigation pivot track looks to go through a minimum Class 4 wetland in NW 8-9-9w.

Disposition:

These comments were shared with the proponent and additional information was requested to address these comments. The draft licence includes a clause that requires the proponent to work with the Drainage and Water Rights Licensing Branch to obtain the required approvals.

Manitoba Sport, Culture, and Heritage - Historic Resources Branch

- The Manitoba Historic Resources Branch (HRB) has examined the locations in conjunction with Branch records for areas of potential concern. Notably, there are concerns with the current proposed plan to impact potential heritage resource sites. The proposed water pipelines and irrigated fields are in close proximity to elevated terrain along the Assiniboine River. The Assiniboine, and the tributaries that form its watershed, have a number of known archaeological sites along and near the margins, including large Pre-European contact Indigenous campsites, Bison Kill sites, Fur Trade Posts, and Pre-European contact and Historic burial locations. These factors, to name a few, suggest that any planned development within the area has the potential to impact heritage resources, therefore, the Historic Resources Branch has concerns with the project at this time.
- A Heritage Resource Impact Assessment (HRIA) is an assessment showing the impact that proposed work is likely to have upon heritage resources or human remains. HRIAs must be conducted by a qualified archaeological consultant under a heritage permit.

HRIA Expectations

- Systematic pedestrian survey and judgemental shovel testing of the water pipeline route and water intakes based on in-field observations and assessment of footprint, to identify the presence and extent of heritage resources along these routes and to determine if further mitigation is required, within the following sections:
 - a) 18-09-09-W1
 - b) 08-09-09-W1
- If the identified irrigation fields require ground disturbance (i.e. native vegetation clearing, slope modification and landscape leveling, etc.) in order to facilitate the

installation and operation of the centre pivot irrigation systems, then an HRIA will be required for the areas in which this ground disturbing activities will occur. Subsurface testing and pedestrian survey will be expected for these areas in following quarter-sections if this is to occur:

- a) NW-08-9-9-W1

Other Recommendations

- Please implement a heritage resource protection plan (HRPP). We recommend a HRPP be included in planning and construction in the event heritage resources (including human remains and palaeontological resources) are accidentally encountered. The HRPP consists of operational procedures to limit damage or destruction of heritage resources accidentally found during site work. This document assists informing managers, employees, contractors on what to do and whom to call should heritage resources accidentally be encountered when testing and development is underway on site.

Disposition:

The original comments and resources were shared with the proponent. The draft licence includes a clause that requires the proponent to 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.

Manitoba Transportation and Infrastructure - Environmental Services Branch

- When the irrigation pivots are installed in section 8-9-9WPM, place/set in a manner that the spray from the irrigation system does not reach the road surface of Provincial Road (PR) 242.
- If construction activities require the need to construct a new access, modify an existing, intensify its use or relocate an existing access connection onto PR 242, the proponent should be informed that, under The Transportation Infrastructure Act, a permit will be required from Manitoba Transportation and Infrastructure (MTI). A permit may also be required for:
 - a) Any construction (above or below ground level) within 38.1 m (125 ft) from the edge of right-of-way of PR 242;
 - b) Any plantings within 15.2 m (50 ft) from the edge of right-of-way of PR 242;
 - c) Discharge of water or other liquid materials into the ditch of PR 242.
- For any Utility Installations within the right-of-way of PR 242, the proponent should be informed that, under the Transportation Infrastructure Act, a permission/agreement will be required from MTI before works may commence.
- We note that there are 4 existing access connections to PR 242 from this property. We would like to see the landowner remove some of the accesses.

Disposition:

These comments were provided to the proponent for information purposes. The licence cover letter requires the proponent to follow all necessary federal, provincial, and municipal regulation and by-laws.

ADDITIONAL INFORMATION

The branch requested additional information on June 30, 2023, and received a response on August 1, 2023. A second information request was sent on September 21, 2023, and a response was received on December 15, 2023. An alteration was submitted on December 6, 2023. A third information request was sent on January 17, 2024, and a response was received on February 8, 2024. Responses were satisfactory.

PUBLIC HEARING

As no public comments were received, a public hearing is not recommended.

CROWN-INDIGENOUS CONSULTATION

The Government of Manitoba recognizes that it has a duty to consult in a meaningful way with Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of the Indigenous rights of that community.

The Initial Assessment conducted for this project has concluded that the licensing decision does not have the potential to adversely affect the exercise of Aboriginal or Treaty rights. Consequently, Crown-Indigenous consultation will not be undertaken for this project to inform the licensing decision. The project would occur on privately owned land that is currently disturbed and used for agricultural crop production.

RECOMMENDATION

Comments received have been addressed through the provision of sharing information with the project proponent and licence conditions. I recommend that the development be licensed under The Environment Act subject to the specifications, limits, terms, and conditions as described on the attached draft Environment Act Licence. If approved, I also recommend assigning the administration of the licence to the Central Region of the Environmental Compliance and Enforcement Branch.

Prepared by:

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