



Conservation

Climate Change and Environmental Protection Division
Environmental Assessment and Licensing Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
T 204 945-7100 F 204 945-5229
www.gov.mb.ca/conservation/eal
CLIENT FILE NO.: 5477.00

Frank Elias
Agassiz Resource Management Ltd.
Box 750
Winkler MB R6W 4A8

October 13, 2010

Dear Mr. Elias:

Enclosed is **Environment Act Licence No. 2939** dated October 13, 2010 issued in accordance with The Environment Act to **Agassiz Resource Management/Kroeker Farms Ltd.** for the construction and operation of the Development being an irrigation system and associated reservoir, located at NW 24-4-6 W in the Rural Municipality of Thompson supplied by water diverted from the Duncan Dam on Graham Creek at NW 25-4-6 W and the North Shannon Creek for a land base of 590 hectares, in accordance with the Proposal filed under The Environment Act dated July 29, 2010, and supplementary information filed on August 10, 2010.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with.

For further information on the administration and application of the Licence, please feel free to contact Julie Froese, Environment Officer at 204-325-1755.

Pursuant to Section 27 of The Environment Act, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Conservation within 30 days of the date of the Licence.

Yours truly,

Tracey Braun, M. Sc.
Director
Environment Act

Enc.

c: Don Labossiere, Director, Environmental Operations
Julie Froese, Environment Officer, Central Region
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 2939 (*by the Licencee only*) is required by the Director of Environmental Assessment and Licensing. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by October 27, 2010.

On behalf of Kroeker Farms Ltd.

Date

****A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES****

LICENCE

Licence No. / Licence n°

2939

Issue Date / Date de délivrance

October 13, 2010

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:

AGASSIZ RESOURCE MANAGEMENT LTD. AND KROEKER FARMS LTD.:
"the Licencee"

for the construction and operation of the Development being an irrigation system and associated reservoir, located at NW 24-4-6 W in the Rural Municipality of Thompson supplied by water diverted from the Duncan Dam on Graham Creek at NW 25-4-6 W and the North Shannon Creek for a land base of 590 hectares, in accordance with the Proposal filed under The Environment Act dated July 29, 2010, and supplementary information filed on August 10, 2010, and subject to the following specifications, limits, terms and conditions:

GENERAL TERMS AND CONDITIONS

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. The Licencee shall 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 in accordance with applicable Manitoba Conservation and legislation requirements.
2. The Licencee shall revegetate areas disturbed by the construction of the Development with a mixture of native or introduced grasses or legumes. These areas shall be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds. Native species shall be used to revegetate areas where native species existed prior to construction.
3. The Licencee shall, during construction, maintenance, and operation of the Development, take all appropriate measures to prevent erosion and the deposition of sediment into any waterbodies.

****A COPY OF THIS LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES****

4. The Licencee shall, during construction, adhere to the general recommendations on design, construction and maintenance of stream crossings as specified in the guidelines titled *Manitoba Stream Crossing Guidelines for the Protection of Fish and Fish Habitat, 1996*.
5. The Licencee shall:
 - a) prepare "As Constructed" drawings for the Development and shall label the drawings "As Constructed"; and
 - b) provide to the Director, within three months of the completion of construction of the Development, two sets of "As Constructed" drawings.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Project Scope

6. The Licencee shall, unless otherwise approved by the Director in writing, construct the development and irrigate the lands as described on Figure 1, attached to this Licence. Proposed amendments to this project must be submitted to the Director for approval with an accompanying discussion of the nature and purpose of the amendments.

Construction

7. The Licencee shall, where open cut stream crossing techniques are used on intermittent waterways and artificial drainage channels, minimize disturbance to riparian areas and restore the bottom and banks of the waterways to their original elevation and shapes.
8. The Licencee shall, not less than two weeks prior to beginning construction of the Development, provide notification to the Environment Officer responsible for the administration of this Licence of the intended starting date of construction and the name of the contractor responsible for the construction.
9. The Licencee shall, during construction, dispose of all sewage and septage from on-site sanitary facilities in accordance with Manitoba Regulation 83/2003, respecting Onsite Wastewater Management Systems, or any future amendment thereof.
10. The Licencee shall establish any fuel storage areas required for the construction and operation of the Development:
 - a) a minimum distance of 100 metres from any waterbody; and
 - b) in compliance with the requirements of Manitoba Regulation 188/2001, respecting Storage and Handling of Petroleum Products and Allied Products, or any future amendment thereof.
11. The Licencee shall, during construction and operation of the Development:
 - a) immediately report any reportable spills to Manitoba Conservation's Accident Reporting Line at (204) 944-4888; and

- b) provide a follow-up report to the Director on a reportable environmental accident outlining the cause(s) and proposing corrective action to prevent reoccurrence.
12. The Licencee shall not remove, destroy or disturb species listed as rare, endangered, or of special concern, or their habitats. These species are listed in Manitoba Regulation 25/98, respecting Threatened, Endangered and Extirpated Species, or any future amendment thereof, and in the federal Species at Risk Act.
 13. The Licencee shall not harm, remove, destroy or disturb migratory birds, their nests or their eggs pursuant to the requirements of the federal Migratory Birds Convention Act.
 14. The Licencee shall install buried pipelines on cultivated land or land in its natural state in accordance with the methodology illustrated in Figures 2 to 4, attached to this Licence. These procedures do not apply when a plough or a continuous trencher is used to install a pipeline.
 15. The Licencee shall not undertake instream construction activities in connection with the Development between April 1 and June 30 of any year.
 16. The Licencee shall not undertake instream construction activities in connection with the Development during periods of high streamflow.
 17. The Licencee shall, during construction of water intake works in connection with the Development, minimize the extent of clearing of riparian vegetation.

Operation – Matters Respecting Water Management and Water Quality Protection

18. The Licencee shall limit the pumping rates to capacities specified in a Water Rights Licence issued for the Development by Manitoba Water Stewardship.
19. The Licencee shall install backflow prevention devices and maintain them in operational condition at all times if fertilizer or crop protection products are applied through the irrigation systems of the Development.
20. The Licencee shall, if fertilizer or crop protection products are applied through the irrigation systems of the Development, not allow irrigation water containing these materials to be applied to or drain to surface water bodies.
21. The Licencee shall comply with the requirements of *Manitoba Regulation 62/2008*, respecting *Nutrient Management*, or any future amendment thereof.
22. The Licencee shall maintain a vegetated buffer not less than 15 metres in width between any field of the development and North Shannon Creek and Graham Creek.

Operation – Matters Respecting Land Management and Soil Quality Protection

23. The Licencee shall not, with water diverted by the Development, irrigate any land parcel other than a land parcel identified in Figure 1 attached to this Licence.
24. The Licencee shall not use water diverted by the Development to irrigate land in the project area more frequently than one year in three.
25. The Licencee shall implement agronomic practices described in the Proposal filed by The Licencee under The Environment Act dated July 29, 2010. Results of the fall soil tests for nitrate-N and Olsen-P, the annual fertilizer applications, and crop yields for each field shall be provided, by February 1st of the following year, to the Environment Officer responsible for the administration of this Licence and the Environmental Assessment and Licensing Branch.
26. The Licencee shall manage phosphorus as well as nitrogen in all nutrient management plans developed pursuant to Clause 25 of this Licence.

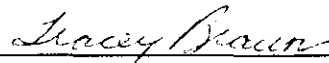
Monitoring

27. The Licencee shall, on a daily basis while irrigation is occurring, record volumes of water pumped, and durations of pumping for each intake location. A report on this information shall be provided, by February 1 of the following year, to the Environment Officer responsible for the administration of this Licence and the Environmental Assessment and Licensing Branch. The report shall be provided in the format shown in Appendix A, attached to this Licence.
28. The Licencee shall, upon the request of the Director:
 - a) sample, monitor, analyze or investigate specific areas of concern regarding groundwater, surface water and soil for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated with the specific areas of concern; and
 - c) 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, and such other information as may from time to time be requested.
29. The Licencee shall, prior to the commencement of operation of the Development, meet with the Environment Officer responsible for the administration of this Licence and the contact person for the Environmental Assessment and Licensing Branch of Manitoba Conservation to review the monitoring and reporting requirements of this Licence.

REVIEW AND REVOCATION

- A. If, in the opinion of the Director, the Licencee 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.

- B. If construction of the development has not commenced within three years of the date of this Licence, the Licence is revoked.
- C. 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.



Tracey Braun, M. Sc.
Director
Environment Act

Client File: 5477.00

FIGURE 1 TO ENVIRONMENT ACT LICENCE NO. 2939

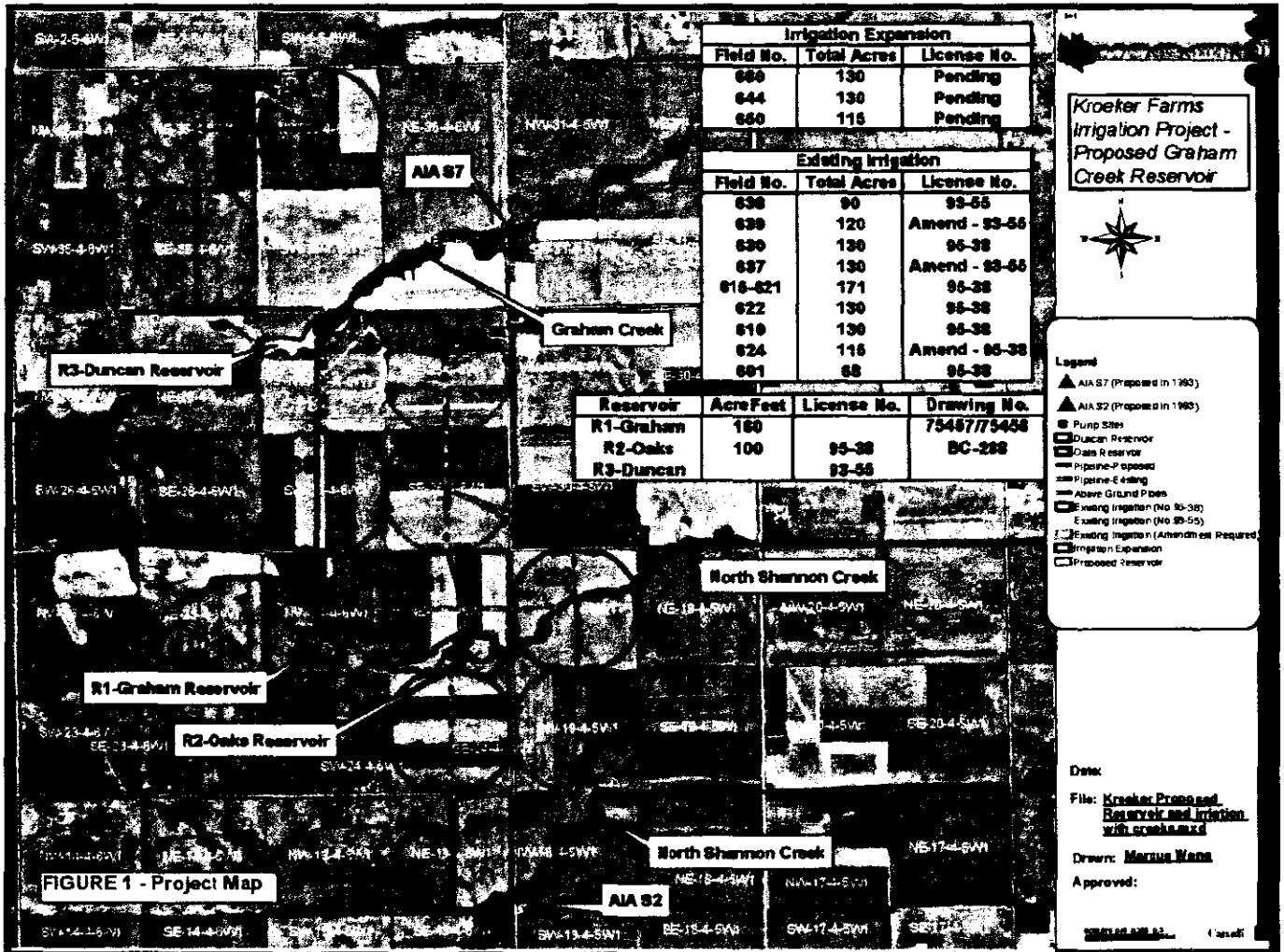
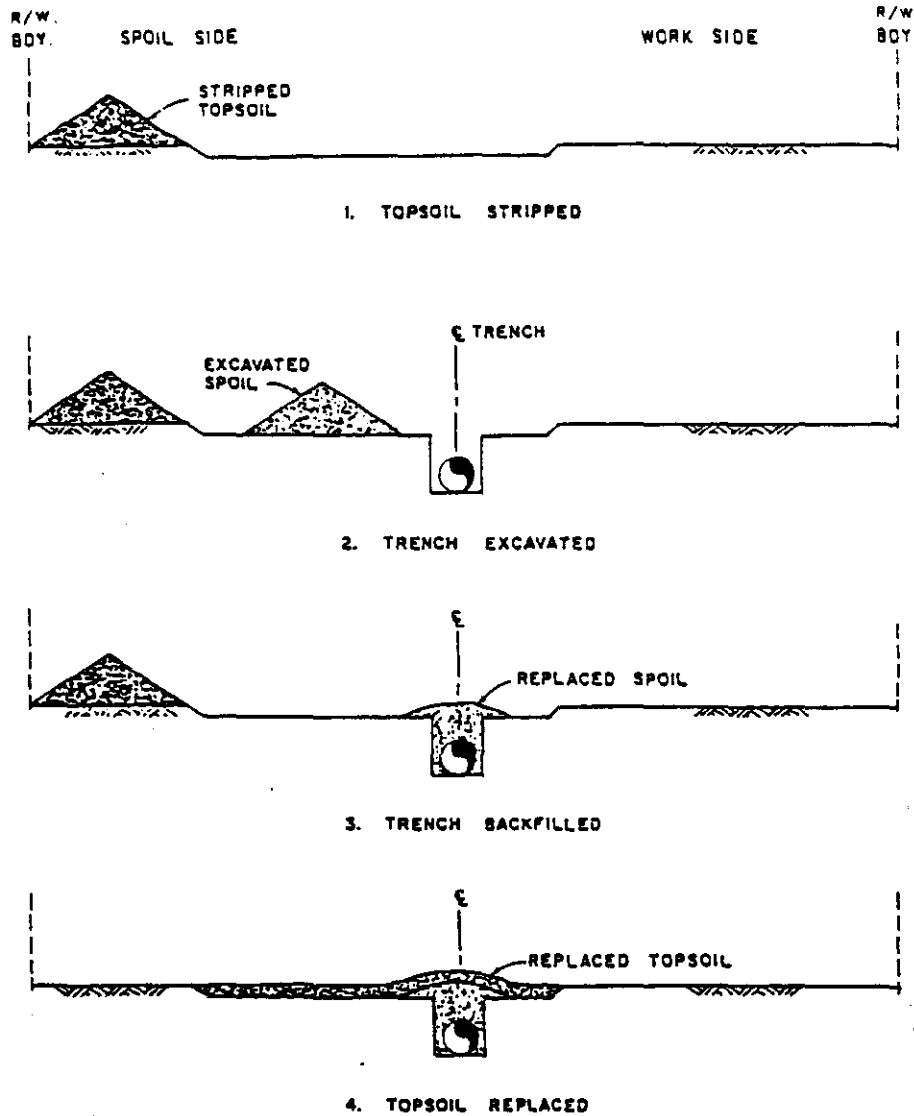


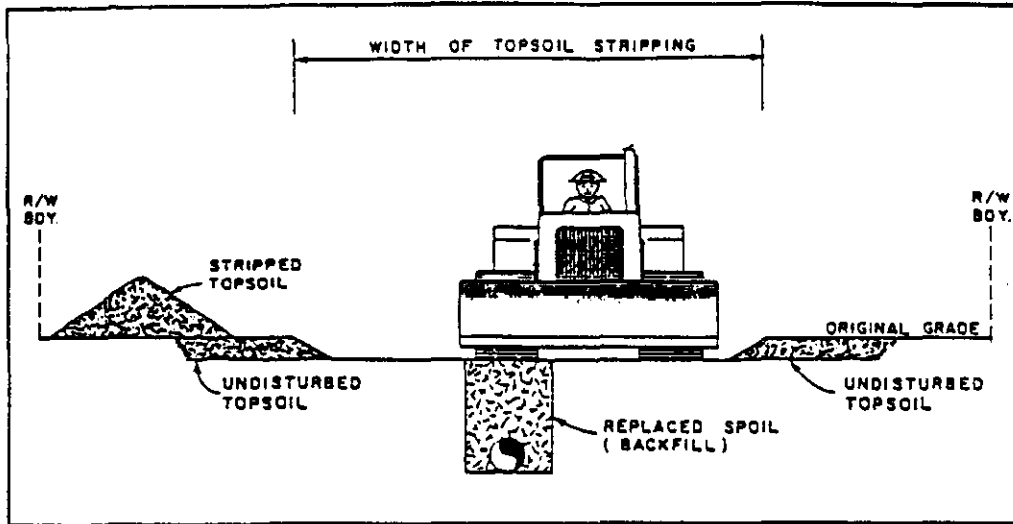
FIGURE 2 TO ENVIRONMENT ACT LICENCE NO. 2939



SEQUENCE OF TOPSOIL HANDLING

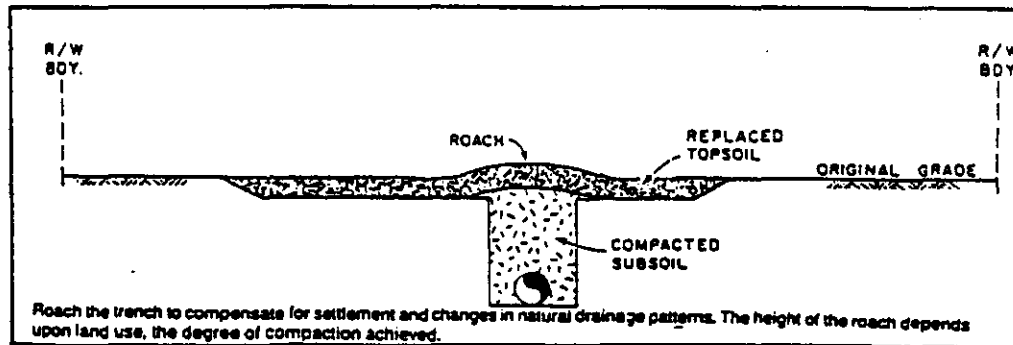
Figure 2

FIGURES 3 AND 4 TO ENVIROMENT ACT LICENCE NO. 2939



COMPACTION OF BACKFILL

Figure 3



ROACHING THE TRENCH

Figure 4

Annual Water Use Report for 20__

Manitoba Conservation
 Environmental Assessment & Licensing Branch
 160-123 Main Street
 Winnipeg MB R3C 1A5



Pursuant to *The Environmental Act*

Report Type PUMPING FROM A STREAM, WELL OR RESERVOIR OR FILLING A RESERVOIR FROM A STREAM

Project Name _____

LICENSEE MUST COMPLETE ONE "ANNUAL WATER USE REPORT" FOR EACH PUMP (AND ONE FOR FILLING OF EACH RESERVOIR IF APPLICABLE) FOR EACH CALENDAR YEAR AND FORWARD THE REPORT TO THE ENVIRONMENTAL ASSESSMENT & LICENSING BRANCH AT THE ABOVE ADDRESS NOT LATER THAN THE DUE DATE INDICATED IN THE ENVIRONMENT ACT LICENCE

Contact: Name _____
 Address _____
 Phone No. _____

Licence Numbers:
 Env. Act _____
 Water Rights _____

	Reservoir	Pump (Water Source)
Location	_____	_____
Capacity	dam ³ <input type="checkbox"/> or acre-feet <input type="checkbox"/>	m ³ /s <input type="checkbox"/> or cfs <input type="checkbox"/>

Minimum instream flow (MIF):
 MIF _____ m³/s
 Monitor Location _____

NOTES

- d/s Q - Flow measured at downstream point of interest or downstream of pump intake
- Elevation - reservoir elevation (Geodetic - metres)
- Volume Pumped - as measured by change in reservoir elevation or pumping rate x time pumped

DAY OF MONTH	APRIL				MAY			
	d/s Q (1)	Elevation (2)	Hours Pumped	Vol Pumped (3)	d/s Q (1)	Elevation (2)	Hours Pumped	Vol Pumped (3)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
TOTAL			0	0			0	0

DAY OF MONTH	JUNE				JULY			
	d/s Q (1)	Elevation (2)	Hours Pumped	Vol Pumped (3)	d/s Q (1)	Elevation (2)	Hours Pumped	Vol Pumped (3)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
TOTAL			0	0			0	0

DAY OF MONTH	AUGUST				SEPTEMBER			
	d/s Q (1)	Elevation (2)	Hours Pumped	Vol Pumped (3)	d/s Q (1)	Elevation (2)	Hours Pumped	Vol Pumped (3)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
TOTAL			0	0			0	0

TOTAL VOLUME PUMPED FOR YEAR: 0 (insert unit measurement)