Manitoba

Conservation

Environmental Stewardship 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

FAXED

CLIENT FILE NO.: 4297.00

July 3, 2008

Mr. David Rourke
Rourke Farms Ltd.
Box 144
Minto MB R0K 1M0

Dear Mr. Rourke:

Further to our letter dated April 8, 2008 and your reply of April 14, 2008 enclosed is revised Environment Act Licence No. **2317 R** issued in the name of Rourke Farms Ltd.

In addition to the enclosed Revised 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 Revised Licence, please feel free to contact Peter Crocker, Environment Officer at (204) 726-6565.

Yours truly,

Tracey Braun

Tracey Braun, M.Sc.
Director
Environment Act

Attachment

cc: B. Wright, Regional Director, Western Region – Manitoba Conservation
Att'n: Peter Crocker, Environment Officer
cc: R.M. of Whitewater

NOTE: Confirmation of Receipt of this Revised Licence No. 2317 R *(by the Licencee only)* is required by the Director of Environmental Assessment & Licensing Branch. Please acknowledge receipt by signing in the space provided below and faxing (letter only) a copy back to the Department by July 9, 2008.

On behalf of Rourke Farms Ltd. **Date**

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

THE ENVIRONMENT ACT
LOI SUR L'ENVIRONNEMENT

LICENCE

Manitoba

Licence No. / Licence n° 2317 R

Issue Date / Date de délivrance March 23, 1998

REVISED : July 3, 2008

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) and 14(2) / Conformément au Paragraphe 11(1) et 14(2)

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

ROURKE FARMS LTD.;
"the Licencee"

for the construction and operation of the Development being an irrigation water storage reservoir and associated works located adjacent to a tributary of the Souris River in NE 28-5-19W in the Rural Municipality of Whitewater in accordance with the Proposal filed under The Environment Act and dated August 27, 1997, 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.

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

3. 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

4. The Licencee shall, unless otherwise approved by the Director in writing, construct the water diversion and management works as proposed, and irrigate with water stored by the Development only land parcels which are rated as good or better for irrigation suitability by "Assessment of Soil Conditions and Landscape Features for Irrigation Suitability and Potential Environmental Impact for South Central and South Western Manitoba", prepared by Agriculture and Agri-Food Canada and Manitoba Agriculture, October 1997, or future versions thereof. 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.

5. The Licencee shall submit the locations for land parcels to be irrigated with water stored by the Development to the Director for approval prior to the first application of irrigation on each parcel.

Operation – General

6. The Licencee shall establish any fuel storage areas required for the 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.

7. The Licencee shall, during 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.

8. 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.

9. 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.

10. The Licencee shall install buried pipelines on cultivated land or land in its natural state in accordance with the methodology illustrated in Figures 1 to 3, attached to this Licence. These procedures do not apply when a plough or a continuous trencher is used to install a pipeline.

Operation – Matters Respecting Water Management and Water Quality Protection

11. The Licencee shall install and maintain instream water diversion works associated with the Development in accordance with the requirements of the Department of Fisheries and Oceans.

12. 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.

13. 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.

Operation – Matters Respecting Land Management and Soil Quality Protection

14. The Licencee shall not apply water from this Development at an application rate exceeding 15 centimetres per year.

15. The Licencee shall not use water diverted by the Development to irrigate land in the project area more frequently than one year in three.

16. The Licencee shall manage phosphorus as well as nitrogen in all nutrient management plans developed pursuant to Clause 21 of this Licence.

17. The Licencee shall implement agronomic practices described in "Manual of Best Management Practices for Irrigated Crop Production in Manitoba, 2nd Draft" by the Association of Irrigators of Manitoba, concerning general agronomic practices, or future versions thereof.

Monitoring

18. The Licencee shall, on a daily basis while water is pumped into the reservoir or while irrigation is occurring, record volumes of water pumped, and durations of pumping. 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 Table 1, attached to this Licence.

19. The Licencee shall, in years that irrigation occurs, monitor on-farm soil salinity using methods acceptable to Manitoba Agriculture, Food, and Rural Initiatives. A report summarizing the monitoring program and showing the location of monitoring points and the soil salinity at each location shall be submitted to the Director by February 1 of the following year.

20. 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.

21. 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. Environment Act Licence No. 2317 is hereby rescinded.

B. 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.

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

D. 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

Tracey Braun, M. Sc.
Director
Environment Act

File: 4297.00

Annual Water Use Report for 20____

Pursuant to *The Environmental Act*

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

Manitoba

TABLE 1 TO ENVIRONMENT ACT LICENCE NO. 2317 R

Report Type PUMPING FROM A STREAM, WELL OR RESERVOIR [__] **OR** FILLING A RESERVOIR FROM A STREAM [__]

Project Name

Contact: Name

Address

Phone No.

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

Licence Numbers:

Env. Act

Water Rights

	Reservoir	Pump (Water Source)
Location		
Capacity	dam^3 [__] or acre-feet [__]	m^3/s [__] or cfs [__]

Minimum instream flow (MIF):

MIF m^3/s

Monitor Location

NOTES

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

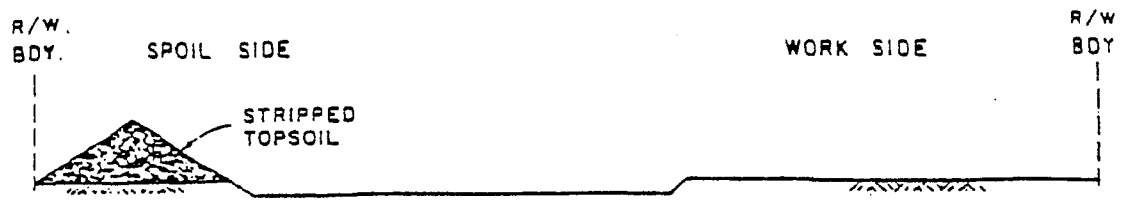
	APRIL				MAY			
DAY OF MONTH	d/s Q (1)	Elevation (2)	Hours Pumped	Vol Pumped (3)	d/s Q (1)	Elevation (2)	Hours Pumped	Vol Pumped (3)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17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

	JUNE			Table 1	JULY			
DAY OF MONTH	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

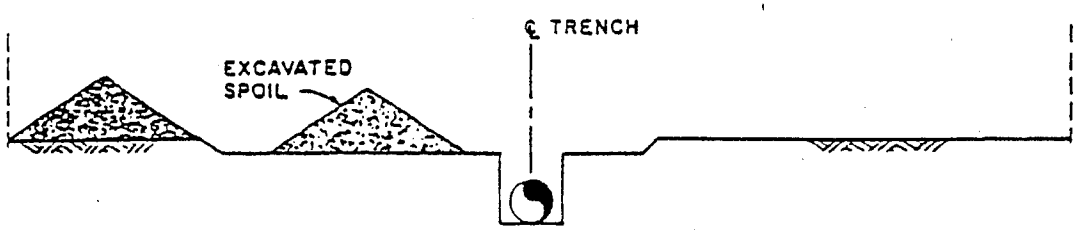
	AUGUST				SEPTEMBER			
DAY OF MONTH	d/s Q (1)	Elevation (2)	Hours Pumped	Vol Pumped (3)	d/s Q (1)	Elevation (2)	Hours Pumped	Vol Pumped (3)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
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)

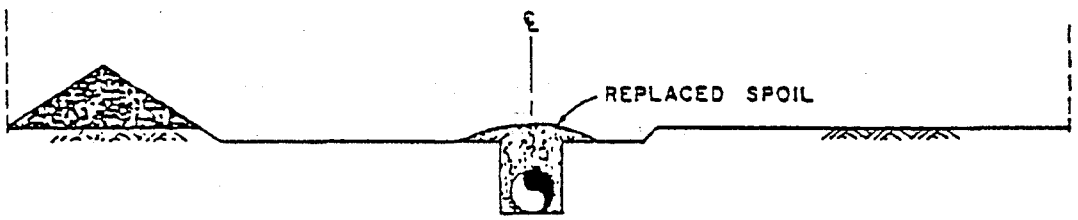
FIGURE 1 TO ENVIRONMENT ACT LICENCE NO. 2317 R



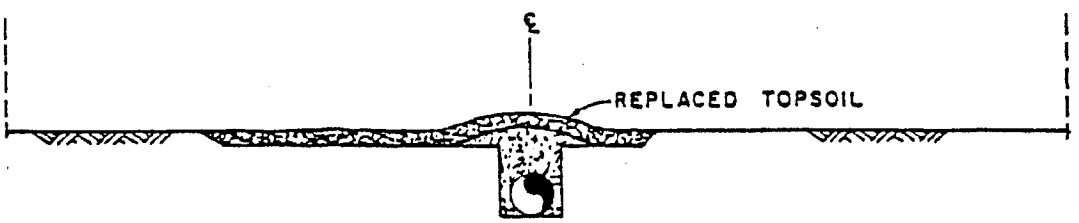
1. TOPSOIL STRIPPED



2. TRENCH EXCAVATED



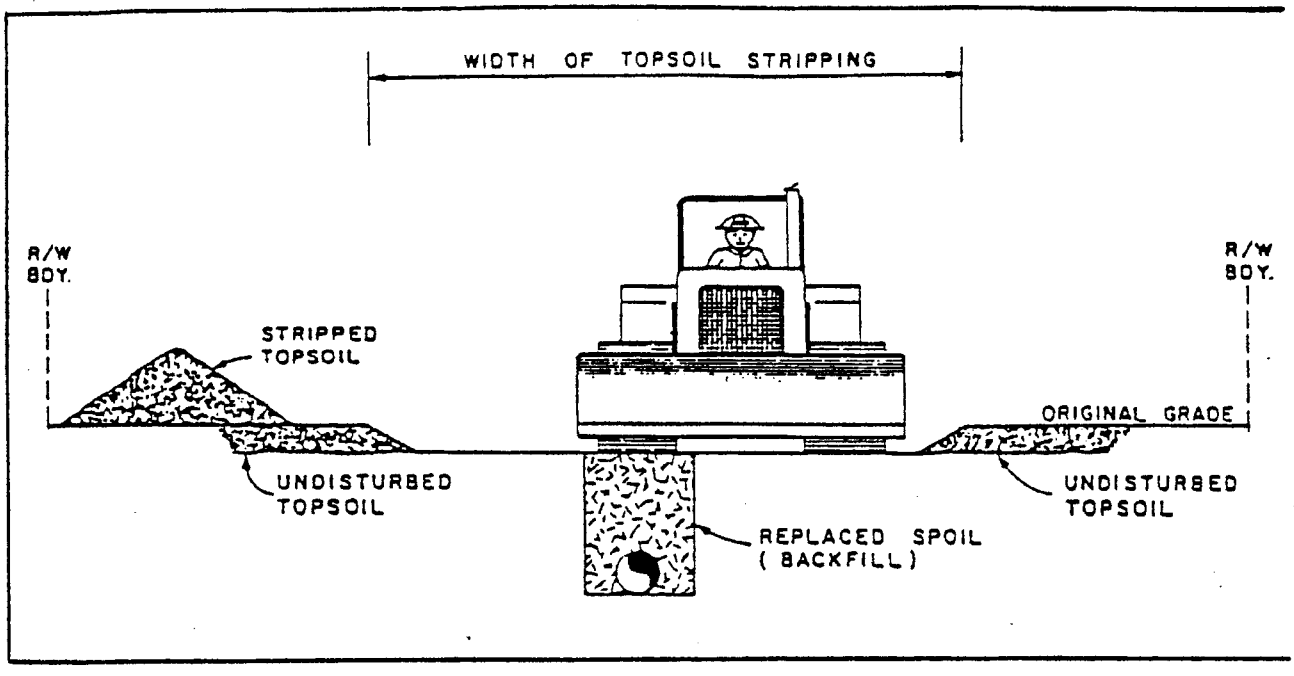
3. TRENCH BACKFILLED



4. TOPSOIL REPLACED

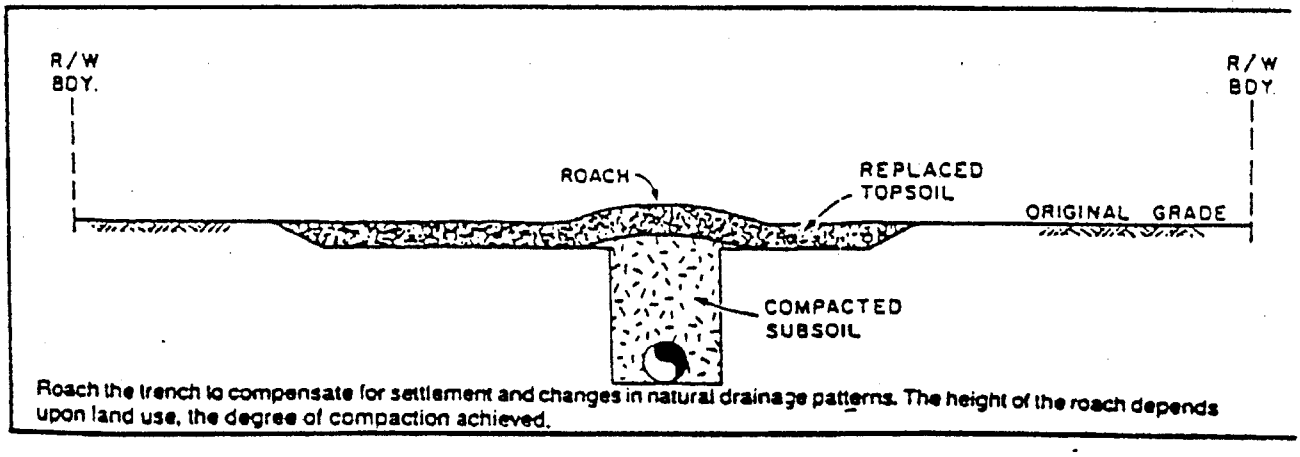
SEQUENCE OF TOPSOIL HANDLING

Figure 1



COMPACTION OF BACKFILL

Figure 2



Roach the trench to compensate for settlement and changes in natural drainage patterns. The height of the roach depends upon land use, the degree of compaction achieved.

ROACHING THE TRENCH

Figure 3