



Environment

Environmental Management

123 Main Street, Suite 160  
Winnipeg MB R3C 1A5  
CANADA

Internet: <http://www.gov.mb.ca/environ>

**FAXED**  
**CLIENT FILE NO.: 4323.00**

July 16, 1998

Doug Berry  
Under The Hill Farms Ltd.  
PO Box 645  
Glenboro MB R0K 0X0

# COPY

Dear Mr. Berry:

Enclosed is Environment Act **Licence No. 2345** dated July 16, 1998 issued in accordance with the Manitoba Environment Act to **Under The Hill Farms Ltd.** in connection with the construction and operation of the Development being an irrigation system located in the Rural Municipality of South Cypress in accordance with the Proposal filed under The Environment Act and dated January 1, 1998.

With respect to Clause 8 of the Licence the contact at Manitoba Natural Resources is Ray Bodnaruk, Manager, Water Licencing Section, Water Resources, Phone No. (204) 945-6488.

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 Glen Robertson at (204) 726-6563.

Yours truly,

Original Signed by

David L. Wotton  
Director  
Environment Act

Enc.

- c: B. Chrisp, Regional Director, Park-West Region, Environment
- G. Robertson, Environment Officer, Park-West Region, Environment
- Centennial Public Library/Manitoba Eco-Network/Western Manitoba Regional Library
- R.M. of South Cypress (FAXED)
- B. Shewfelt, PFRA Morden (FAXED)
- R. Bodnaruk, Manitoba Natural Resources (FAXED)
- D. Menon, Manitoba Water Services Board

**NOTE: Confirmation of Receipt of this Licence is required by the Director of Approvals. Please acknowledge receipt by signing in the space provided below and faxing (204-945-5229) back to the Department by July 23, 1998.**

On behalf of Under The Hill Farms Ltd.

Date



# Environment Act Licence

## Loi sur l'environnement Licence

Manitoba  
Environment  
Environnement  
Manitoba



Licence No./Licence n° 2345

Issue Date/Date de délivrance July 16, 1998

**IN ACCORDANCE WITH THE MANITOBA ENVIRONMENT ACT (C.C.S.M. c. E125)  
THIS LICENCE IS ISSUED PURSUANT TO SECTION 11(1) TO:**

**UNDER THE HILL FARMS LTD.; "the Licencee"**

for the construction and operation of the Development being an irrigation system located in the Rural Municipality of South Cypress in accordance with the Proposal filed under The Environment Act and dated January 1, 1998, 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 ensure that all used oil products and other regulated hazardous wastes generated by the machinery used in the construction and operation of the Development are collected and disposed of in accordance with applicable Manitoba Environment 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.
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**

4. The Licencee shall ensure that fuel storage areas established for the construction of the Development are located a minimum distance of 100 metres from any waterbody, and shall comply with the requirements of *Manitoba Regulation 97/88R* respecting *Storage and Handling of Gasoline and Associated Products*. During operation of the Development, the Licencee shall take all precautions necessary to prevent fuel from entering any waterbody. Fuel spills in excess of 68.2 litres shall be immediately reported to an environment officer.

5. The Licencee shall irrigate with water diverted by the Development, only land parcels which are rated as good or better for irrigation suitability by the Canada - Manitoba Soil Survey, unless site specific investigations classify them differently, or improvements are undertaken to remove limitations.
6. The Licencee shall ensure that buried pipelines which are installed on cultivated land or land in its natural state are installed in accordance with the methodology illustrated in Figures 1 to 3, attached to this Licence. These procedures do not apply when a trencher is used to install a pipeline.
7. The Licencee shall, on an annual basis, undertake water quality monitoring as described in the Environment Act Proposal for the Development. A report summarizing the monitoring program shall be submitted to the Director by March 1 of each year beginning in 1999.
8. The Licencee shall, on a daily basis while irrigation is occurring from sloughs or dugouts of the Development, record for each slough or dugout, water levels, volumes of water pumped, and durations of pumping. A report on this information shall be provided, by March 1 of the following year, to Manitoba Environment and Manitoba Natural Resources.

**Respecting the Diversion of Water from the Assiniboine River**

9. The Licencee shall ensure that pump intakes on the Assiniboine River associated with the Development are screened in accordance with the Department of Fisheries and Oceans publication "Freshwater Intake End-of-Pipe Fish Screen Guideline" (March, 1995), and in accordance with mitigation measures specified in a letter dated July 15, 1998 from the Department of Fisheries and Oceans to the Prairie Farm Rehabilitation Administration and attached to this Licence as Appendix A. In the event that spring pumping to fill sloughs or dugouts is later authorized by the Director, the Licencee shall consult with Manitoba Natural Resources and the Department of Fisheries and Oceans in the design of screening and the operation for the pump intake(s), and submit plans of the screens and procedures for operation for the approval of the Director prior to operation of the pump(s).
10. The Licencee shall, prior to the construction of the pumping facilities on the Assiniboine River in or adjacent to NW 2-8-14W, submit, for the approval of the Director, plans prepared by a professional engineer respecting the installation of the pump and pipeline at this location.
11. The Licencee shall not conduct instream work associated with the installation of pumps on the Assiniboine River for the Development prior to June 15 of any year.
12. The Licencee shall minimize the duration of instream work associated with the installation of pumps on the Assiniboine River for the Development. Any debris or temporary works associated with the installation procedure shall be removed upon completion of the installation.

13. The Licencee shall, at the request of the Director, prepare and implement a riverbank stabilization plan for the pumping location in or adjacent to NW 2-8-14W, if, in the opinion of the Director, construction of the pumping facilities at this location adversely affects riverbank stability.
14. The Licencee shall ensure that water diverted from the Assiniboine River for the Development is not directed to natural or artificial water storage areas unless prior written approval is obtained from the Director. The storage of water from the Assiniboine River in water storage areas over the Assiniboine Delta Aquifer shall be considered for approval by the Director only if engineering studies show that the seepage velocity of water from the water storage areas to the aquifer will be less than  $1 \times 10^{-7}$  centimetres per second.
15. The Licencee shall ensure that a minimum instream flow is maintained below the diversion point in or adjacent to NW 2-8-14W at all times while water is being diverted into the Development. The minimum instream flow shall be as determined by Manitoba Natural Resources and specified in a Water Rights Licence issued for the Development.
16. The Licencee shall immediately cease diverting water from the Assiniboine River or reduce the diversion rate if the minimum instream flow provided for in Clause 15 of this Licence is not equalled or exceeded.
17. The Licencee shall not divert water from the Assiniboine River at the diversion site in or adjacent to NW 2-8-14W at a rate exceeding 76 litres per second.
18. The Licencee shall, on a daily basis, monitor streamflows, diversion rates and pumping durations when diversions of water are occurring from the Assiniboine River for the Development. An annual report on this operating data shall be provided to Manitoba Environment, Manitoba Natural Resources, the Prairie Farm Rehabilitation Administration and the Department of Fisheries and Oceans. This report shall be submitted prior to March 1 of the following year.

**Respecting the North Dugout in E 6-8-13W**

19. The Licencee shall ensure that berms around the North Dugout in E 6-8-13W are maintained to prevent the flow of surface water from the surrounding area from entering the dugout.

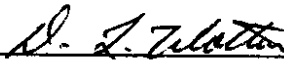
**Respecting the Anderson Slough in and adjacent to 5-7-13W**

20. The Licencee shall limit withdrawals of water from the Anderson Slough to 25 cubic decametres (20 acre-feet) in 1998, subject to the provisions of Clause 5 of this Licence.
21. The Licencee shall prepare, for the approval of the Director, a report discussing the management of water levels on the Anderson Slough. The report shall specifically discuss management techniques which mitigate the effects of the project on wildlife habitat on the slough.

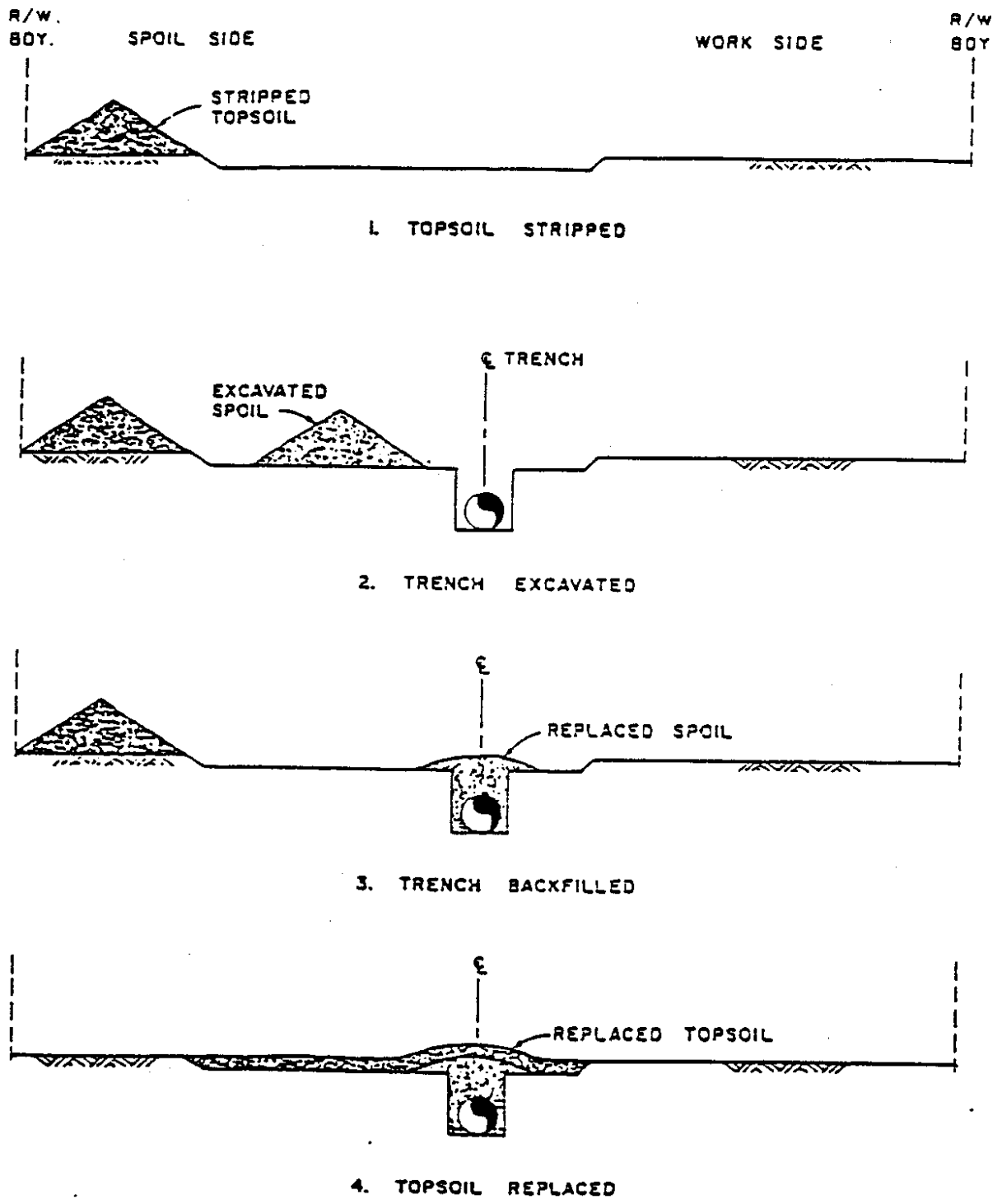
22. The Licencee shall not divert water from the Anderson Slough after 1998 unless the approval of the Director has been received pursuant to Clause 20 of this Licence.

#### **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.

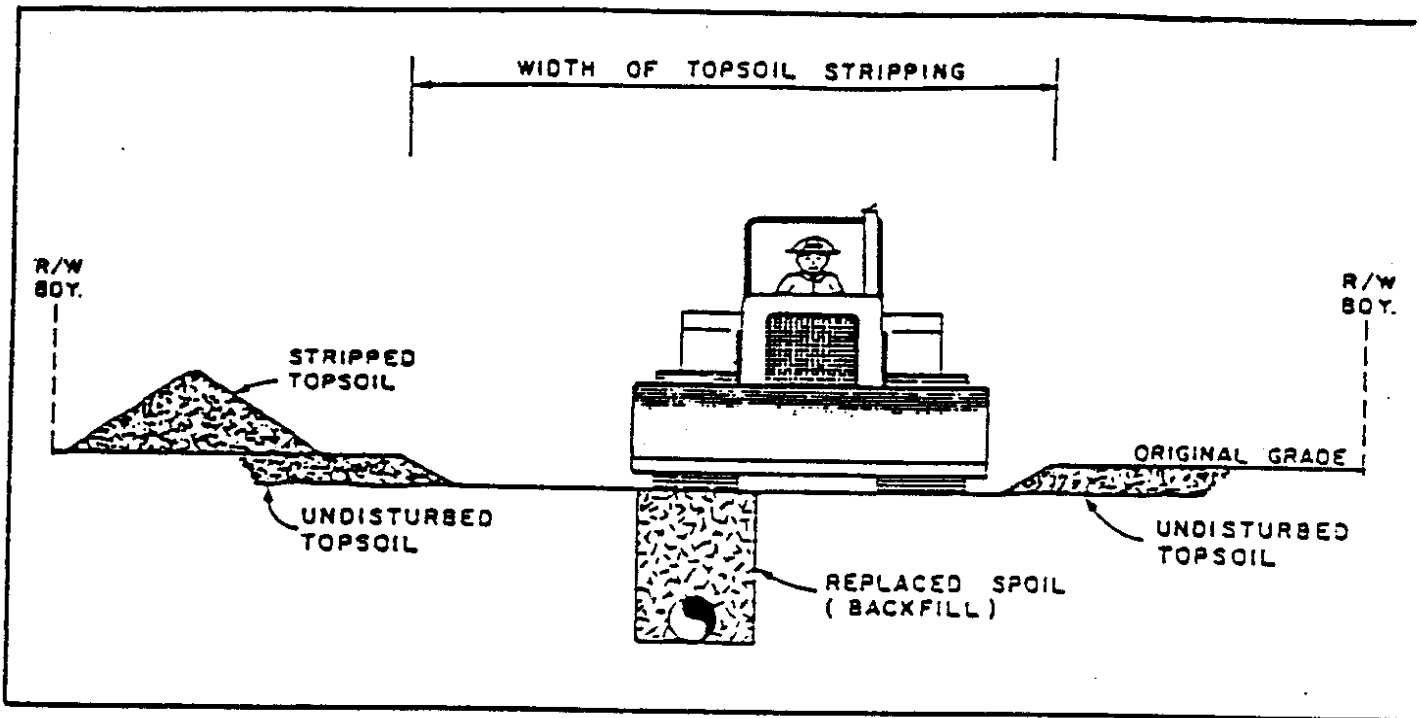
  
\_\_\_\_\_  
David L. Wotton  
Director  
Environment Act

Client File No.: 4323.00



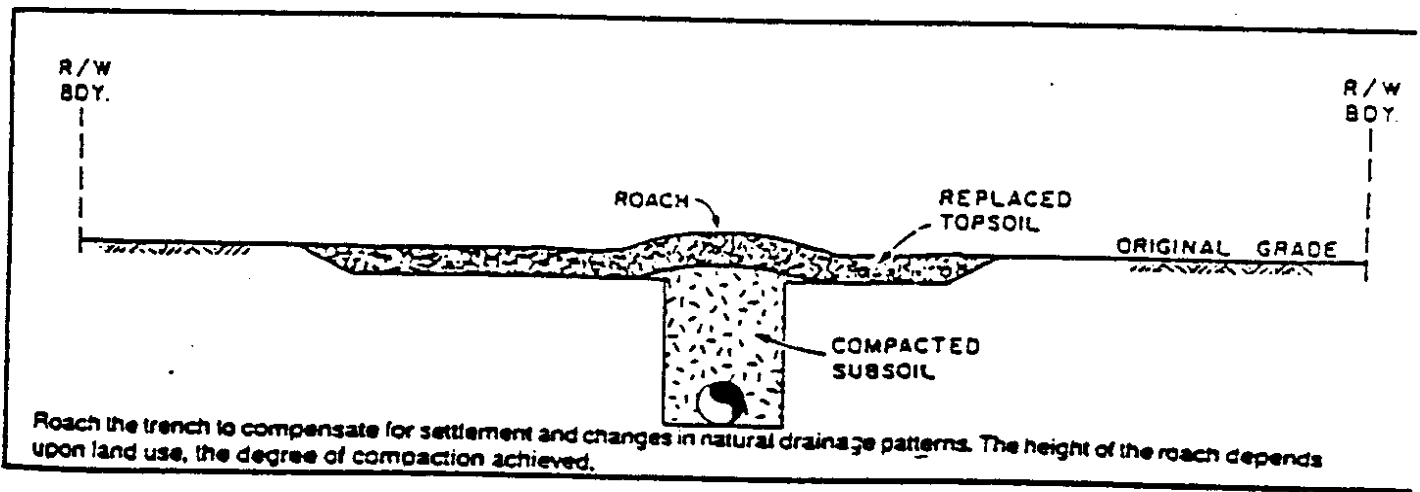
SEQUENCE OF TOPSOIL HANDLING

Figure 1



COMPACTION OF BACKFILL

Figure 2



ROACHING THE TRENCH

Figure 3



July 15, 1998

Mr. Pat McGarry  
Environment Officer  
Prairie Farm Rehabilitation Administration  
200-303 Main Street  
Winnipeg, MB. R3C 3G7

Your file / Votre référence

Our file / Notre référence

MB-98-0026

Dear Pat;

**Re: Application For Approval of Water Intake - Under the Hill Farms Limited, Assiniboine River, NW Section 2, Township 8, Range 14 WPM**

The Department of Fisheries and Oceans - Habitat Management (DFO-HM) has reviewed the application for approval of the irrigation water supply intake submitted by the Prairie Farm Rehabilitation Administration (PFRA) on behalf of Mr. Doug Berry, of Under the Hill Farms Limited. Our review is based on the information provided in your correspondence dated June 22, 1998, as well as discussions with Manitoba Natural Resources Fisheries Branch and Manitoba Environment, Environmental Approvals.

The Ames Manufacturing intake screens Model SLC 1628 and Model SLC 2036 meet the DFO guideline for the protection of subcarangiform fishes (e.g. walleye, sauger) of 25 mm size and greater. However, neither screen has sufficient open screen area for the protection of anguilliform fishes such as small young-of-the-year northern pike. Therefore the proposed intake would not provide adequate protection for northern pike during the early summer when the proponent plans to pump from the river to fill up nearby sloughs. The Model 2036 would however protect northern pike of approximately 45 mm length and greater. Pumping from the Assiniboine River only after mid July would avoid the earlier period when northern pike have not yet reached this size.

Based on the foregoing, DFO-HM concludes that the proposed works will not be considered to contravene Section 30 of the *Fisheries Act* provided that the following conditions are met:

1. The pump and intake structure with the **Model SLC 2036** self-cleaning screen is to be installed at the location noted above and in accordance with the general information submitted to DFO-HM by PFRA, i.e. floating pump system on a boom with hinged mooring to the bank of the Assiniboine River.
2. Water withdrawals should not occur prior to July 15 in any year, and the proposed water withdrawal rate of 1200 USGPM should not be exceeded.

Freshwater Institute  
501 University Crescent  
Winnipeg, Manitoba  
R3T 2N6  
(204) 963-5000

Institut des eaux douces  
501 University Crescent  
Winnipeg (Manitoba)  
R3T 2N6  
(204) 983-5000



3. The self-cleaning backwash system should be operational at all times that the intake is in use. A regular check of the intake structure is advised to ensure that the intake, screens and self-cleaning system are operating in good and effective condition.
4. The intake structure should be removed upon completion of the irrigation season each year. Instream work associated with the annual installation of the pump and intake structure on the Assiniboine River that may impact the bed or banks of the river should not occur prior to June 15 in any year.
5. Disturbance to the shoreline of the Assiniboine River resulting from installation or removal of the intake structure should be kept to a minimum and confined to the immediate area. Erosion control measures should be implemented at any disturbed shoreline areas and be maintained until permanent erosion control measures such as revegetation or riprapping are in place.
6. The deposit of deleterious substances into water frequented by fish is prohibited under the *Fisheries Act*. Appropriate precautions should be taken to ensure that deleterious substances do not enter the Assiniboine River.

Prior to DFO-HM giving approval for use of the intake for water withdrawals before July 15 each year, further information should be provided with respect to the self cleaning backwash system and the habitat types and conditions in the vicinity of the intake, especially with respect to northern pike spawning and rearing habitat. DFO-HM will then be able to determine whether the intake as proposed will be adequate for use during spring (April to June) pumping, or whether a different screen with a larger screen area or other modifications will be necessary to meet DFO's guideline.

Please note that none of the foregoing releases the proponent from the requirements of other sections of the *Fisheries Act* or other federal, provincial or municipal legislation.

If you require additional information or clarification, or if there should be any changes to the proposed work, please contact me at 983-5250.

Sincerely,



Karen Broughton  
Impact Assessment Biologist  
Manitoba and Saskatchewan Area

cc: K. Fisher (DFO-HM)  
C. Katopodis (DFO-HM)  
A. Derksen (Man. Natural Resources)

J. Stein (DFO-HM)  
D. Gillies (Man. Natural Resources)  
B. Webb (Manitoba Environment) 