



TECHNICAL REVIEW COMMITTEE

A TECHNICAL REVIEW REPORT
PREPARED FOR

THE RURAL MUNICIPALITY
OF
GREY

HALARDA FARMS LTD.
NE 32-8-5 WPM

TRC 12 – 038

March 19, 2018

A. INTRODUCTION – THE TEAM

The Technical Review Committee (TRC) is supported by the following department personnel:

- Agriculture (Ag); Livestock Environment, Nutrient Management and Business Development Specialists, Agricultural Engineer, and Veterinarians
- Municipal Relations (MR); Community Planners
- Infrastructure (MI); Development Review Technologists, Engineering and Operations Division; Development Review Officers, Water Management and Structures Division
- Sustainable Development (SD); Technical Review Officer, Soils Specialist, Environmental Engineer, Environment Officer, Habitat Mitigation Biologist, Regional Wildlife Manager, Nutrient Management Regulation Supervisor, Groundwater Specialist, Water Rights Licensing Manager and Resource Planner
and
- Any other specialist or department that may have an interest, which may be consulted during the process.

The Technical Review Coordinator, (Senior Planner, MR) chairs the committee.

THE REPORT (TRC Process Box 17)

Prime Purpose of TRC Reports

To provide objective, highly credible, technically-based assessments that:

- a) Enable municipal councils to make informed Conditional Use Permit decisions;
- b) Create a common stakeholder understanding of a livestock proposal, potential impacts and related regulatory requirements and safeguards;
- c) Provide a vehicle/forum that enables the sharing of public concerns and proponent responses;
- d) Offer recommendations to both municipal councils and proponents; and

- e) Represents the fulfillment of the TRC's role as per 116(1)(b)(i) of The Planning Act – to determine, based on available information, that the proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards

Should the Municipal Council provide conditional approval of the proposal, the project proponent may be required to obtain various permits and licenses from the Province to address in greater detail environmental aspects of the proposal.

THE PROCESS

TRC Process Chart with actual pertinent dates and brief overview

The Technical Review Process: TRC-12-038 –Halarda Farms Ltd.



B. DESCRIPTION OF PROPOSED LIVESTOCK OPERATION

To view a detailed description, go to

www.gov.mb.ca/ia/programs/livestock/public_registries.html

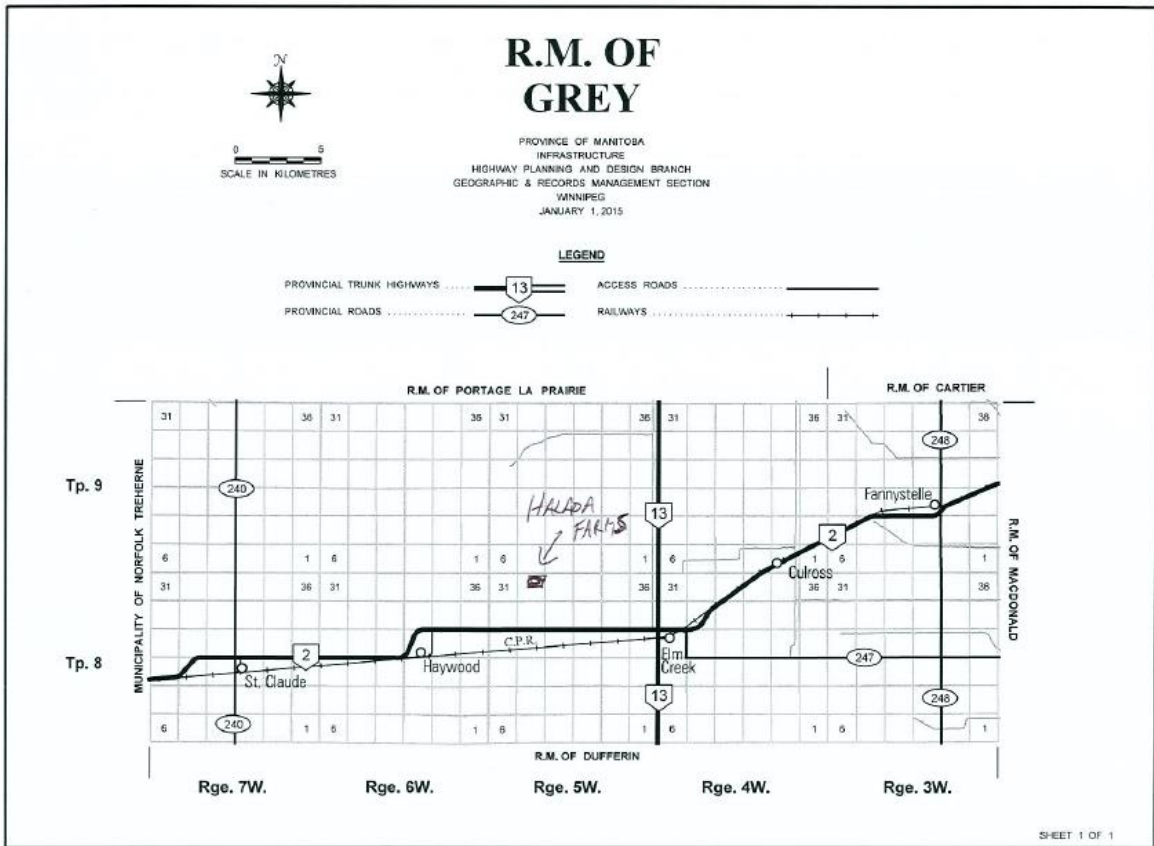
Applicant: Halarda Farms Ltd.

Site Location: NE 32-8-5 WPM, approximately 8 km north east of the Community of Elm Creek, North of PTH No.2. Please refer to maps below.

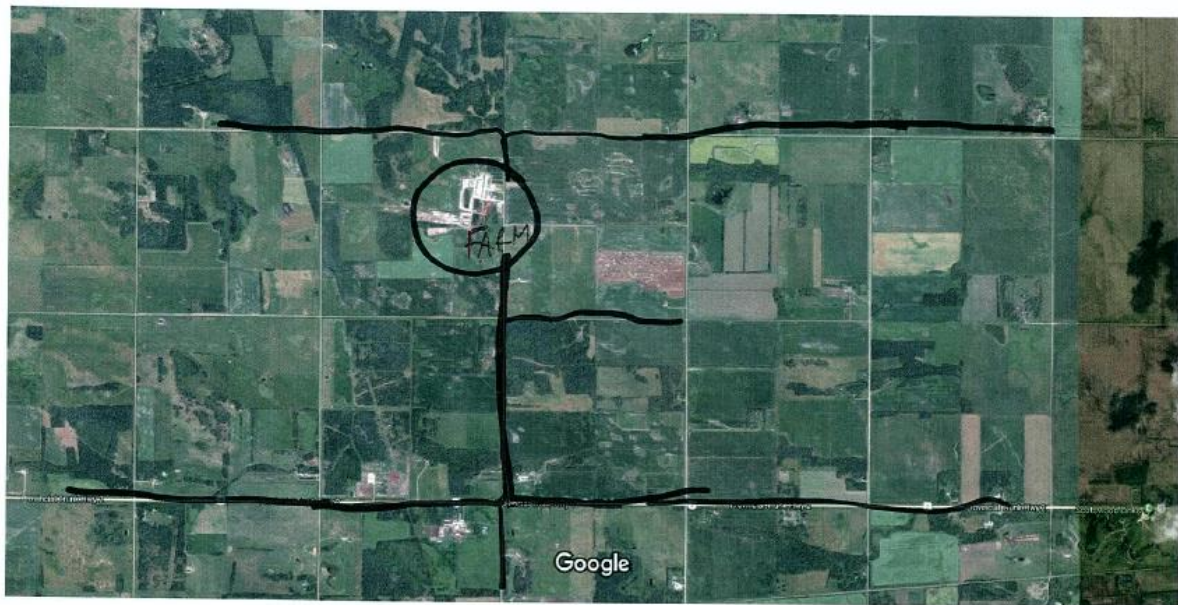
Proposal: To modernize a dairy operation consisting of 3327 Animal Units (AU) in a Confined Animal Facility, that began operating in 1984. The AU are to be reduced to 3322 with the modernization.

This will involve the following:

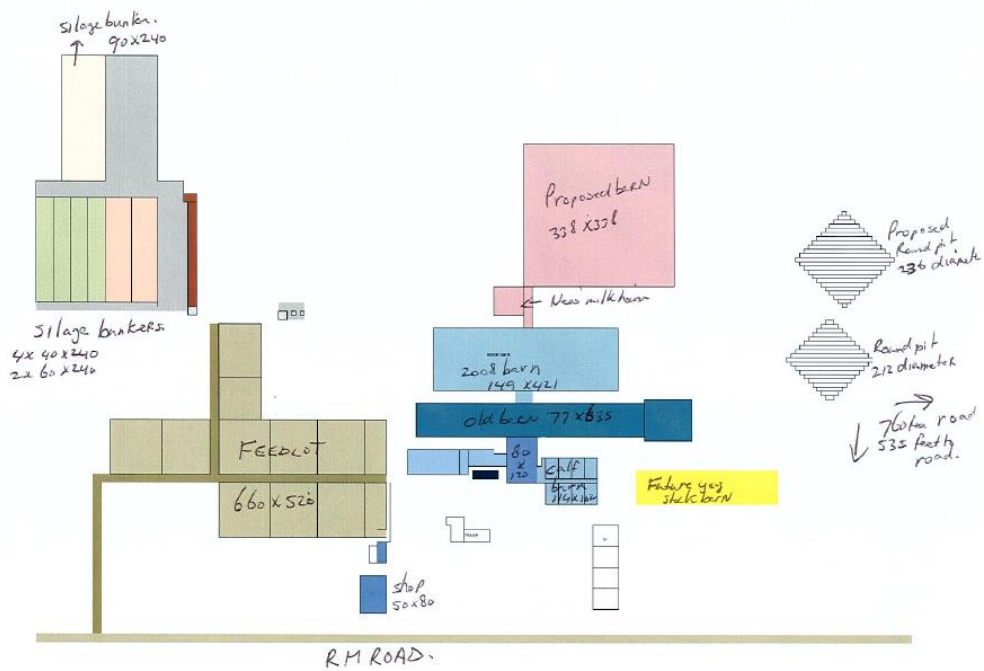
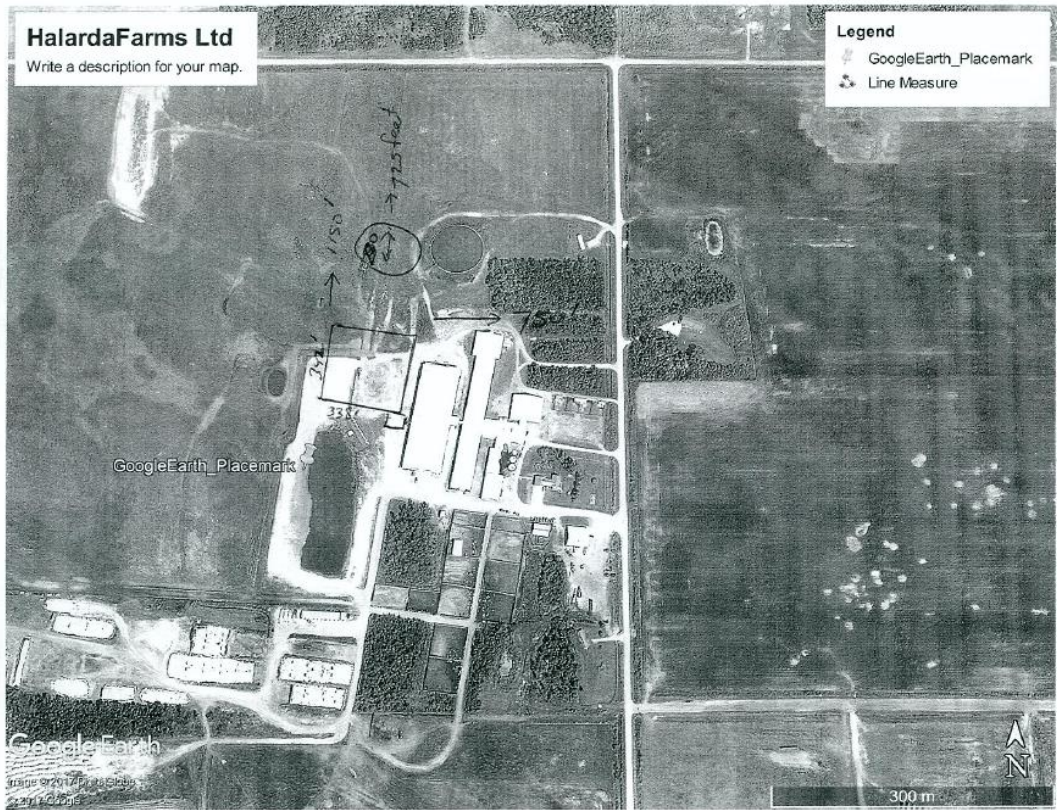
- Construction of new barn 338' x 338' with 12 milking robots
- Construction of additional new manure storage with 3- million- gallon capacity
- Addition of mill house 60' x 60'
- Re-purposing one current dairy barn as a dry cow, young stock and calving barn
- Consuming estimated 47,127 imperial gallons of water per day (from public pipeline and onsite dugout)
- Composting mortalities
- Using the truck haul routes as shown below

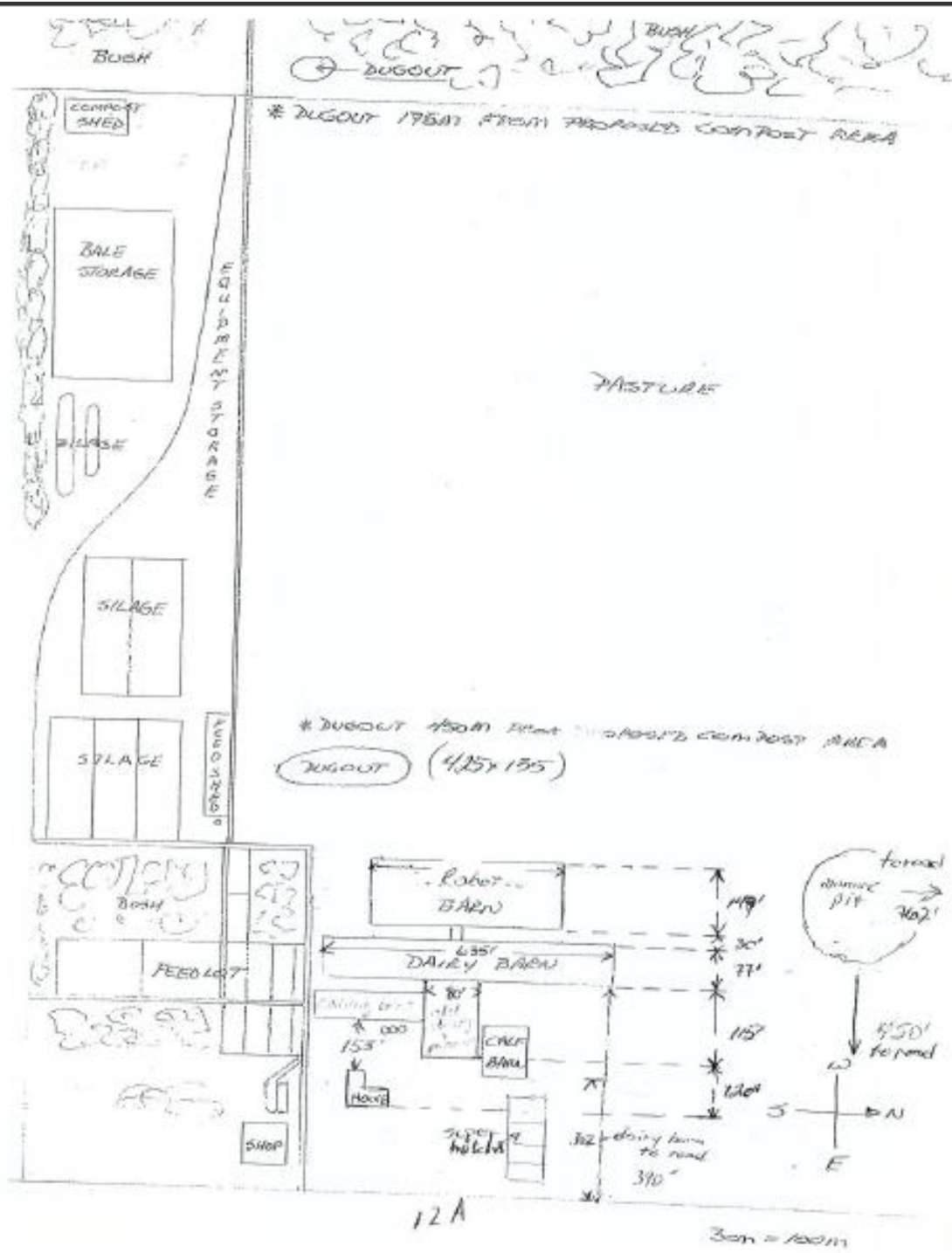


Google Maps Truck Haul map



TRUCK HAUL ROUTES





C.SITE ASSESSMENT OVERVIEW

Assessment Overview Table

Provincial Technical Overview of TRC 12-038- Halarda Farms Ltd:			
Items Provided by Project Proponent	Con- firmed	Related Existing Provincial Safeguards	Dept
1. Submitted complete Site Assessment	X	The proposal is consistent with the Provincial requirements for a Livestock Operation.	MR
2. Clearly defined the project as an Animal Confinement Facility	X	Any barn is in excess of 6,458 sq. ft. each will require a building permit from the Office of the Fire Commissioner.	MR
3. Proposed Project Site Physical Suitability	X	Detailed soil survey indicates that the proposed expansion is on Class 3 and 4 agricultural soils. The proposal includes a new 3 million- gallon manure storage structure. The construction, modification or expansion of any manure storage facility requires a permit from Manitoba Sustainable Development. The permit must be obtained before construction begins.	AG
4. Proposed Project Site Flood Risk Potential	X	Water Management, Planning and Standards is not aware of any major overland flood hazard at this location	MI
5. Identified 213958 litres/day required for proposed operation	X	Operations with >25000L/day require a Water Rights Licence. More information, including the SD contact information is provided in Section 7.4 of the site assessment.	SD
6. Proposed measures to meet storage and application regulations for manure	X	Any applicable permit or annual submissions under the Livestock Manure and Mortalities Management Regulation would be processed by Environmental Approvals Branch of Sustainable Development. The proposed operation would continue to be required to register annual manure management plans. Manure management plans are reviewed by Branch staff for regulatory compliance at the time of submission. As soil nutrients change over time, SD staff have not dedicated resources to review the spreadfield information and soil tests in this site assessment. However, soil analysis reports	SD

Provincial Technical Overview of TRC 12-038- Halarda Farms Ltd:

Items Provided by Project Proponent	Con- firmed	Related Existing Provincial Safeguards	Dept
		are included in the manure management plans. Additional details on the required information for manure management plans, including mandatory sampling depth, soil analysis and completing the form are provided at: http://www.gov.mb.ca/sd/envprograms/livestock	
7. Proposed Project Site with suitable mortalities disposal methods (composting)	X	Information on disposal is provided in section 9 of the site assessment, which requires the proponent to select from 4 acceptable methods of disposal. More specific information is included in the Livestock Manure and Mortalities Management Regulation and at http://www.gov.mb.ca/sd/envprograms/livestock .	SD
8. Proposed Project Site with acceptable odour control measures	X	The proponent has indicated that there is an existing bush to the north of the manure storage and that an effort is made to limit the amount the manure in the storage is agitated. Should odour become a problem for neighbouring residents, there is a complaints process under <i>The Farm Practices Protection Act</i> . A person who is disturbed by any odour, noise, dust, smoke or other disturbance resulting from an agricultural operation may make a complaint, in writing, to the Manitoba Farm Industry Board. The Act is intended to provide for a quicker, less expensive and more effective way than lawsuits to resolve nuisance complaints about farm practices. It may create an understanding of the nature and circumstances of an agricultural operation, as well as bring about changes to the mutual benefit of all concerned, without the confrontation and the expense of the courts.	Ag
9. Proposed Project Site that meets development plan and zoning by-law requirements	X	The site of this expanding livestock operation is designated Agriculture in the Grey-St Claude Development Plan By-law 2/99. The site is zoned Agricultural General in the RM of Grey By-law 5-03. The Municipality of Grey planning by-laws support the continued use of this land for an expanded livestock operation. In the Agricultural General zone, the zoning bylaw lists livestock operations over 300 animal units as a Conditional Use. A Conditional Use application has been received by the Municipality and will be considered for approval by Council after a public hearing has been conducted. The zoning bylaw requires that the site where a livestock operation is located is a minimum of 80 acres and 1000 ft.	MR

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		<p>wide. The proposal meets the site area and width requirements.</p> <p>The zoning by-law requires that livestock operations be a minimum of 328 feet from the nearest residence other than the residence of the operator. The nearest house is approximately 300 feet away. Both the house and the livestock operation are pre-existing. A Municipal variation order may be required to vary the required distance from 328 ft. to 300 ft.</p> <p>The zoning by-law also requires that there be a setback from the site of 1,320 ft. from settlement areas. The closest settlement area is Haywood, which is more than 10,000 ft. away. The proposal meets this separation distance requirement.</p>	
<p>10. Proposed Project Site that is a sufficient distance from native prairie, Wildlife Managements Areas and Crown Land.</p>	<p align="center">X</p>	<p>Distances to these features is provided in section 10.5 of the site assessment. Where the distances exceed 1 mile, the department generally has no objection.</p>	<p align="center">SD</p>
<p>11. Proposed Spreadfields that are sufficient, and suitable for manure spreading</p>	<p align="center">X</p>	<p>Halarda Farms Ltd has exceeded the land requirement for 1530 mature dairy cows plus associated livestock and 295 beef cattle, as follows:</p> <p>In areas of lower livestock intensity such as the RM of Grey, it is currently the Province of Manitoba's policy to require sufficient suitable land for all of the nitrogen and half of the phosphorus generated by the livestock. This policy assumes that more land is available and could be brought into the Halarda Farms Ltd manure management plan to balance phosphorus with crop removal, should it be necessary in the future.</p> <p>In order to determine the land requirements for Halarda Farms Ltd, nitrogen and phosphorus excretion by all of the dairy and beef cattle is compared to nitrogen utilization and phosphorus removal by the proposed crops to be grown. The calculation takes into consideration typical, modern feeding practices for dairy and beef production and realistic, long-term crop yields from the Manitoba Agricultural Services</p>	<p align="center">Ag</p>

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		<p>Corporation (MASC) for the RM of Grey.</p> <p>Land suitability is determined using soil testing for phosphorus and soil survey to establish the agriculture capability. All of the lands with soil tests were below 60 ppm Olsen P, as required to be considered suitable. Detailed soil survey is available to determine the agriculture capability of the land. The agriculture capability of the land included in the proposal ranges from Class 1 to 6. The limitations include lack of moisture (M) on the deeper sandy soils and wetness (W) in depressional areas. Class 1 to 5 soils are considered suitable for manure application. Any areas of Class 6 soils must be excluded from manure application.</p> <p>Halarda Farms Ltd is required to demonstrate that they have access to at least 3845 acres of suitable land for manure application. They have presented 4538 suitable acres for manure application.</p>	
12. Proposed Spreadfields with sufficient minimum setbacks on Spreadfields from natural features (water sources etc.)	X	The proponent is required to demonstrate minimum setback distances listed in section 10.6 of the site assessment.	SD
13. Proposed Spreadfields with sufficient minimum setbacks on spread fields from natural features (water sources etc)	X	Section 8.7 requires the proponent to indicate if all setbacks have been observed from and excluded from land base calculations.	SD
14. Proposed Spreadfields that have been secured by spread agreements	X	The land available for manure application is owned, leased and under agreement with local crop producers.	Ag

Provincial Technical Overview of TRC 12-038- Halarda Farms Ltd:

Items Provided by Project Proponent	Con- firmed	Related Existing Provincial Safeguards	Dept
15. Proposed Spreadfields that meet development plan and zoning by-law requirements	X	All spreadfields identified in the proposal are designated Agriculture in the Grey-St Claude Development Plan By-law 2/99. All spreadfields identified are zoned Agricultural General in the RM of Grey By-law 5-03. The Municipality of Grey planning by-laws support the continued use of these fields as spreadfields.	MR
16. Proposed trucking routes and access points that may impact Provincial Roads or Provincial Trunk Highways	X	<p>The proposed truck route will utilize existing municipal/Government Road Allowances with an existing Government Road Allowance access connection onto PTH 2. We don't anticipate a substantial increase in usage for this existing access connection.</p> <p>Manure spreading: please note that any structures placed within the controlled area of PTH 2 (125 feet from the edge of the right-of-way) requires a permit from the Highway Traffic Board. Please phone (204) 945-8912 for information regarding any such permits. The placement of temporary draglines or any other temporary machinery/equipment for manure application within the right-of-way of PTH 2 requires permission from our regional office in Portage. Please contact the Regional Planning Technologist (Denise Stairs) at (204) 871-2239. In addition, please notify the Regional Planning Technologist for the placement of temporary draglines or other temporary equipment for manure application within the controlled area of PTH 2 (125 feet from the edge of the right-of-way).</p>	MI
17. Proposed trucking routes – local roads	X	Under <i>The Planning Act</i> and supported by the Grey-St Claude Development Plan By-law 2/99 the Municipality may require the applicant to enter into a development plan agreement regarding the conditions and upkeep of local roads used as truck routes.	MR
18. Declared Provincial Waterways	X	<p>Several of the manure spread fields lie adjacent to Elm Creek, a Provincial Waterway under the Water Resources Administration Act.</p> <p>Water Management, requires a Provincial Waterway Authorization be obtained for any permanent or temporary works crossing or along a Provincial Waterway, including the use of temporary manure hoses.</p>	MI

Provincial Departments

- Ag – Agriculture
- MR –Municipal Relations
- MI – Infrastructure
- SD – Sustainable Development

D. PUBLIC COMMENTS & DISPOSITIONS

Public Comment Summary	Proponent Response/Disposition
<p>1. Beau Richardson Elm Creek</p>	<p>Concerns</p> <ul style="list-style-type: none"> - We are concerned about this proposal because we are concerned about the safety of our roads and their condition, the manure issues, and the expansion. - In regards to the modernization, does this mean that the existing barn will be removed or used in order to handle more animal units. In the latter case, we are concerned. - As residents of the area, we have to be extremely careful driving at any intersection because most times the drivers do not even see us on the road... numerous times I've have had the right of way but if I did not slam on my breaks, I would have been hit in the intersection... they stayed in the middle of the road going so fast I could not see for dust and stones for a few seconds after it had past, then only minutes later the semi rolled into the ditch. - If they are keeping the old building and eventually expanding their animal units, the roads will have heavy traffic on them making it unsafe and wrecked in both the spring and fall. - When they are applying the fall manure it sits there from the day they spread until they work the fields in the spring; is not there a period as to how long it can sit before it must be worked in? Manure is being spread through natural waterways and drainage ditches. - It says in the letter that the number of animal units are staying the same but I believe the ratio of dairy and beef manure output is different. Who's to say that all the animal units are staying status quo and not transferring into all dairy?

	<p>- With the dairy farm modernizing, they will need to meet more needs, especially if their units are changing. This affects those who live in the area as far as acquiring land, land prices, and new and upcoming farmers. No one can compete with the two feuding dairy farmers who already reside in the area snatching up all the land.</p>
<p>2. Bert Van der Steen</p>	<p>Concerns</p> <ul style="list-style-type: none"> - I'm not against the business expansion/modernization that Halarda Farms is proposing. - I am a close neighbour and the farm has been a land tenant of our family for many years. I have had recent conversations with the applicant and have been able to express my concerns to them in person. I would like to however have my concerns be voiced and considered to aid in the correct decision in this manner. - A large concern I have, as many area residents, is the manure created by the business and how it will be dealt with in the future. - Is there any further action that can be made to mitigate the odour when application is being made? Can there be shorter window for incorporation when it is doable? If not, can precautions be made with regards to weather forecast (ie. prevailing winds and warm weather spells) that will increase volatilization of the manure? Can tree lines be made around the manure storage to block some of the odor coming off the pits at mixing and application time? - Impact on deterioration of roads in the area during certain times of the year from the large amount of truck and tractor traffic that haul both feed into and by-products off the farm. At times the roads are in poor condition. - Can the RM of Grey (if they support this proposal for modernization) be asked to increase road maintenance on these roads at these times and increase the amount of gravel that is being used on the road to provide a bigger base for the traffic to run on? - Can dust prevention be implemented near yards or key intersections to bring down the dust and potentially keep roads in better conditions? - Concern with water runoff during spring thaws and large rainfall events, because as the manure/field activities/feed production continues or increases, I believe water runoff should always be considered and kept in check. - The operation of Halarda Farms, as well as my own residence, are in an area that has a strong natural slope gradient and we are seeing more and more water runoff every year. In fact, there is roughly 10 ft of slope per mile between my

	<p>residence and that of Halarda farms and this has created chronic flooding issues in our area that many area residents believe need to be properly addressed.</p> <ul style="list-style-type: none">- As operations get larger and ask for more productivity out of the land, the risk of water pollution and flooding increases. The water from the west side of this RM is coming at a faster pace each year and I would like to know if there is more consultation that can be given to this problem as it passes by this operation?- Can drainage plans or licenses be properly implemented and considered as part of a long term plan for both upstream and downstream area?- I have always been hearing that we need to slow the water near my residence for the sake of downstream water issues, but I don't clearly see that being a concern from where the water is coming from upstream as producers continue to get more productivity out of their land/operations.- Large operations have been able to complete significant drainage to address their concerns but I think that has come at the expense of smaller operations down streams who are not able to for many reasons.- Can the RM, water stewardship and the environmental agencies be asked to consider the water drainage issues around this operation's yard site and its surrounding area, as well the land used for manure application and feed production, to improve the water movement to mitigate the current problems we have?- Can a proper long term drainage plan be made that mitigates the risk of larger operations like this but also address those risks to residences in the immediate area?- I am not against the business expansion or modernization that Halarda Farms is proposing. I do however have the above mentioned concerns that I would like to see considered and acted on if they are deemed necessary as part of this proposal.
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**PUBLIC COMMENTS IN THEIR ENTIRETY MAY BE VIEWED ON THE PUBLIC
REGISTRY AT THE FOLLOWING LINK**

<http://www.gov.mb.ca/mr/livestock/trc-12-038.html>

E. CONCLUSIONS & RECOMMENDATIONS

Overall Conclusion

The information contained in the Site Assessment submitted by the proponent generally meets Provincial requirements. In addition, based on available information it has been determined that the proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards.

Recommended Actions to Council

- As per Section 114(1) of The Planning Act, Council must set a date for a Conditional Use hearing which must be at least 30 days after it receives this report
- As per Section 114(2) of The Planning Act, at least 14 days before the date of the hearing, Council must:
 - a) send notice of the hearing to
 - (1) the applicant,
 - (2) the minister, (c/o the Portage La Prairie Community & Regional Planning Office)
 - (3) all adjacent planning districts and municipalities, and
 - (4) every owner of property located within three kilometres of the site of the proposed livestock operation, even if the property is located outside the boundaries of the planning district or municipality;
 - b) publish the notice of hearing in one issue of a newspaper with a general circulation in the planning district or municipality; and
 - c) post a copy of the notice of hearing on the affected property in accordance with Section 170 of The Planning Act.
- Council should specify the type(s) of operation, legal land location, number of animals in each livestock category and total animal units in its Conditional Use Order.
- As per Section 117 of The Planning Act, Council must send a copy of its (Conditional Use Order) to
 - a) the applicant;
 - b) the minister (c/o the Portage La Prairie Community & Regional Planning Office); and
 - c) every person who made representation at the hearing.

Council is welcome to contact Manitoba Sustainable Development's Technical Review Officer with Environmental Approvals Branch as well as regional Environmental Compliance and Enforcement staff to

discuss environmental compliance issues, if applicable, with respect to the Livestock Manure and Mortalities Management Regulation (M.R. 42/98).

Recommended Actions to Proponent

That any additional measures identified through subsequent Provincial and Federal licensing or permitting in order to minimize any identified risks to health, safety and the environment be undertaken.

F. TECHNICAL REVIEW COMMITTEE MEMBERS

Name	Department	Title	Telephone
Don Malinowski Chair	Municipal Relations	Senior Planner Community & Regional Planning Branch	945-8353
Petra Loro	Agriculture	Livestock Environment Specialist Agri-Resource Branch	945-3869
Jen Webb	Sustainable Development	Manager Environmental Approvals Branch	945-8541
Jeff DiNella	Infrastructure	Senior Development Review Technologist Highway Planning and Design Branch	945-2664

Appendix

Proponent's Response to the Public Comments Received

To the Technical Review Coordination Unit.

Thank you for the opportunity to respond to some of the concerns that have been raised with regards to our application.

Size

We would like to clarify that this proposal is not an expansion. The total amount of animal units that are in the proposal are the same as in the 2008 application. There seems to be some misunderstanding about how animal units work. A dairy cow with its associated young stock = 2 AU. A beef cow with its associated livestock = 1.25 AU. These AU numbers are based on how much nutrients (manure) each species or size of animal produces. This means that if a producer is approved for 200 Animal units he can either have 100 Dairy cows with its young stock (200/2) or the equivalent in beef cows which would be $200/1.25= 160$ beef cows. All livestock species have an AU rating which allow them to be used in these kinds of calculations. These numbers are readily available on line. This does allow producers to switch between different types of livestock as long as they do not exceed the Animal Units that they are approved for.

Drainage and water

Regarding excess water and drainage concerns we strongly support that a long-term plan for drainage be developed and implemented in this area. This would benefit all landowners and residents in the area and would over time eliminate the damage that is done by local spring flooding.

Roads and drivers

When it comes to road construction and maintenance we also would like to see improvements made. It is not a surprise to anyone that there is a lot of traffic coming and going from our operation. This has been the case for many years. Road construction and maintenance have not reflected this reality. This is frustrating for all residents including everyone who lives and works on our operation. We also would like to encourage residents to call us if any of the drivers who work for us is driving improperly on the roads. When we receive a call, we do take it seriously and address it with the driver. All drivers are expected to follow the rules of the road and the Manitoba Highway traffic act.

Manure handling and odours.

We file an annual manure management plan and soil sample all the fields that are included in it. In addition, it is our goal to handle and spread the manure in an environmentally sustainable way. When we spread on cultivated land it is our goal to incorporate the manure within 2 days. When we spread on established perennial forage stands we do not incorporate the manure as that would destroy the forage stand. We do try to take weather and local conditions into consideration but at the same time we need to balance hauling with the provincial manure regulations which does make for short application

windows. We do see merit into adding trees as shelterbelts around the manure storages if that helps alleviate some of the concerns that residents have.

Sincerely

Anton Borst

Halarda Farms Ltd