



TECHNICAL REVIEW COMMITTEE

**A TECHNICAL REVIEW REPORT
PREPARED FOR**

**THE MUNICIPALITY
OF**

NORFOLK TREHERNE

FAIRHOLME COLONY FARMS LTD.

NW ¼ 26-9-8 WPM

TRC 12 – 043

June 12, 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

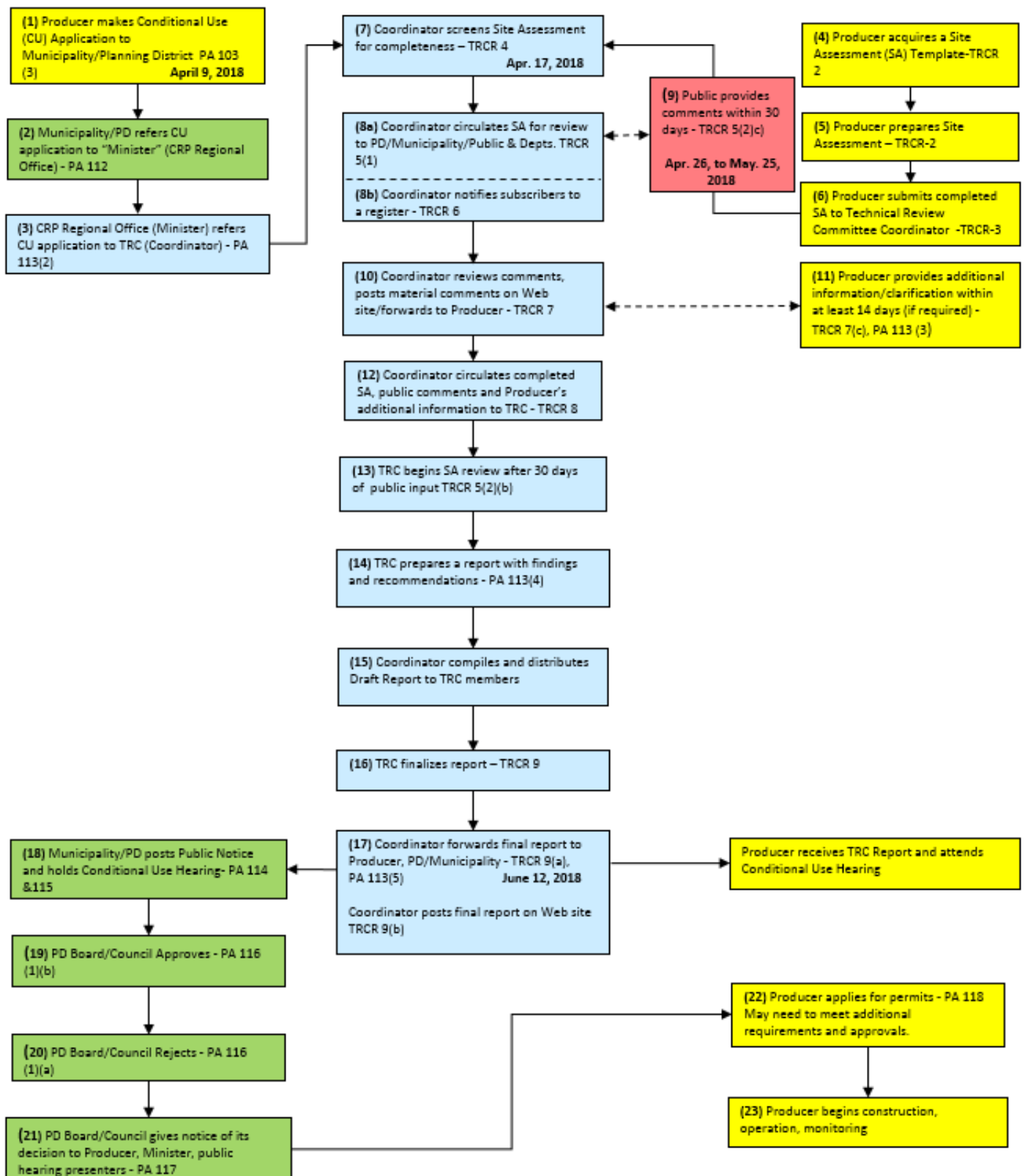
proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards

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-12-043 – Fairholme Colony 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: Fairholme Colony Farms Ltd.

Site Location: NW ¼ 26-9-8 WPM, located west of Provincial Road 305, approximately nine miles (14.4 km) north east of the community of Rathwell. Refer to maps below.

Proposal: To expand a current hog operation, Sow – farrow to finish, from 600 animals (750 Animal Units - AU) to 1600 animals (2000 AU) within an animal confinement facility.

This will involve the following:

- Constructing of a new combined nursery and finisher barn
- Demolishing an existing grower barn and finisher barn
- Re-purposing an existing barn into a farrow barn
- Re-purposing other barns toward a 1600 iso-wean unit
- Implementing most current and upcoming animal code of practice requirements
- Consuming 74,730 imperial gallons of water per day (from an existing well)
- Composting mortalities; a permanent composting site exists on site
- Expanding a manure storage facility
- Using the truck haul routes shown in map below




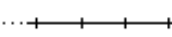


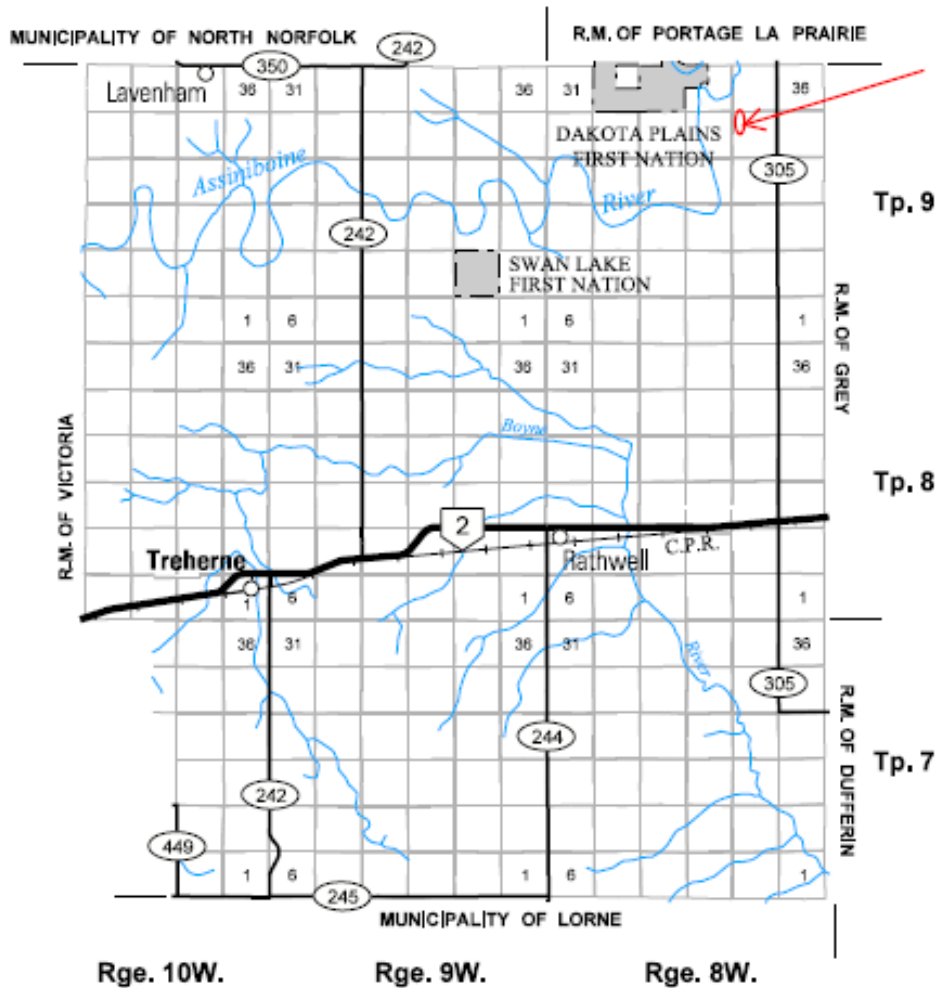
MUNICIPALITY OF NORFOLK TREHERNE

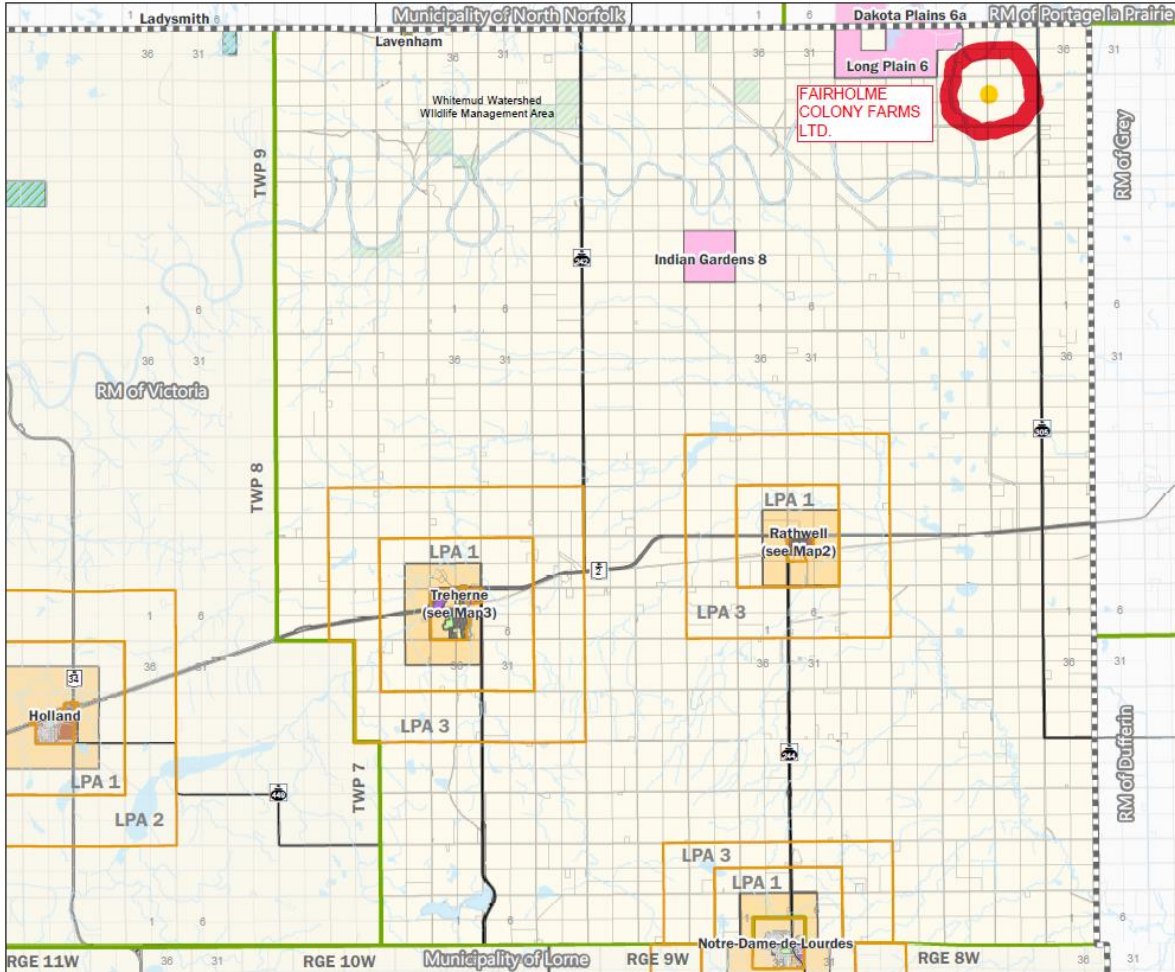
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SCALE IN KILOMETRES

PROVINCE OF MANITOBA
INFRASTRUCTURE
HIGHWAY PLANNING AND DESIGN BRANCH
GEOGRAPHIC & RECORDS MANAGEMENT SECTION
WINNIPEG
JANUARY 1, 2015

LEGEND

PROVINCIAL TRUNK HIGHWAYS 	ACCESS ROADS 
PROVINCIAL ROADS 	RAILWAYS 



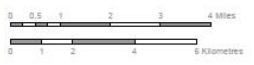


Municipality of Norfolk Treherne

By-Law No. 2452-05
and consolidated
amendments

Map 1:
RM of South Norfolk

- SC PD Boundary
 - Municipal Boundary
 - Assessment Parcel
 - Water Feature
 - Wildlife Management Area (WMA)
 - IR Land
 - Livestock Policy Area (LPA)
- ZONE**
- AG - Agricultural General Zone
 - AL - Agricultural Limited Zone
 - GD - General Development Zone
 - M - Industrial and Manufacturing Zone
 - PR - Parks and Recreation Zone
 - RR - Rural Residential Zone
 - UN - Urban Non-Residential Zone
 - UR - Urban Residential Zone
 - UR-1 - Urban Residential Zone

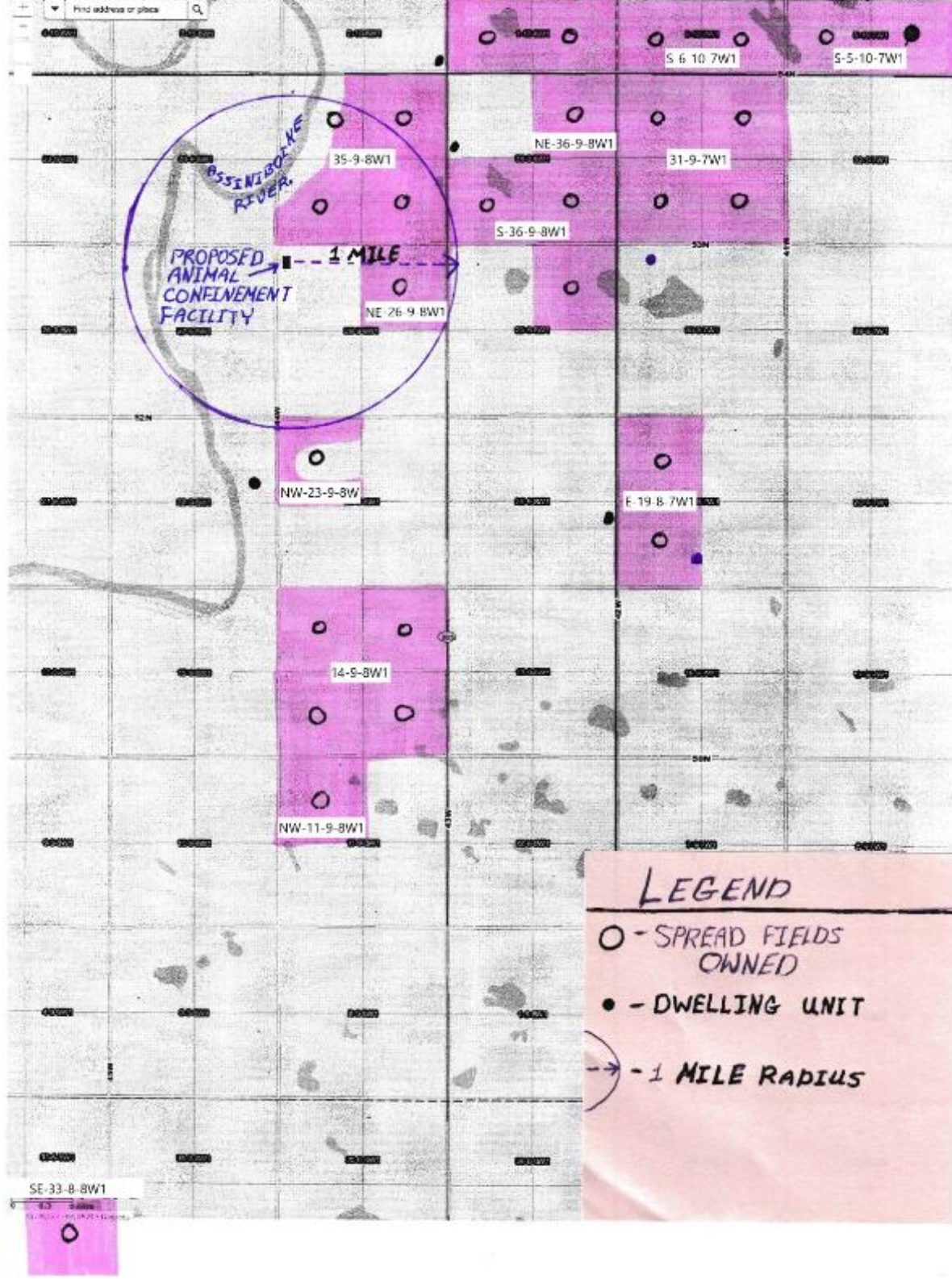


TRUCK HAUL ROUTES





LAND USE AND SPREAD FIELD MAP



C. SITE ASSESSMENT OVERVIEW

Assessment Overview Table

Provincial Technical Overview of TRC 12-043 Fairholme Colony 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	Fairholme Colony Farms Ltd is an existing colony established in the mid-1970s. It is a mixed operation with pigs, chickens, turkeys and beef cows. The Colony is proposing to expand its farrow to finish pig operation which includes expanding an existing earthen manure storage structure. Detailed soil survey indicates that the expansion of the manure storage facility and the new barn are located on agriculture capability Class 1-5 land. Fairholme Colony has also indicated that a permanent composting site will be used to compost mortalities. The construction, modification or expansion of a manure storage facility requires a permit from Manitoba Sustainable Development. The permit must be obtained prior to commencing construction. Manitoba Sustainable Development should also be contacted regarding the regulatory requirements for permanent composting facilities.	AG
4. Proposed Project Site Flood Risk Potential	X	This site is adjacent to the Assiniboine River. The Assiniboine River is prone to serve flooding, with major events occurring in 1976, 2011, and 2014. The proposed site is, however, well above the floodplain of the Assiniboine River. Water Management, Planning and Standards is not aware of any major overland flood hazard in the immediate vicinity of either the proposed site or the	MI

Provincial Technical Overview of TRC 12-043 Fairholme Colony Farms Ltd:

Items Provided by Project Proponent	Con- firmed	Related Existing Provincial Safeguards	Dept
		spread fields.	
5. Identified 74,730 imperial gallons/day required for proposed operation	X	Fairholme Colony has an existing Water Rights Licence for their current water use. If the expansion proceeds, the colony must apply for an amendment to their licence either through the website at http://www.gov.mb.ca/sd/waterstewardship/licensing/wlb/obtaining.html or by contacting us at Box 16 - 200 Saulteaux Crescent, Winnipeg MB, R3J 3W3 ; (204) 945-3983, or toll free at 1-800-214-6497.	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 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 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	SD
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 shelterbelts will be planted and that liquid manure will be injected. Injection or immediate incorporation of manure reduces odour from land application. 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	Ag

Provincial Technical Overview of TRC 12-043 Fairholme Colony Farms Ltd:

Items Provided by Project Proponent	Con- firmed	Related Existing Provincial Safeguards	Dept
		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.	
9. Proposed Project Site that meets development plan and zoning by-law requirements	X	<p>The proposed livestock operation expansion is on land designated as Rural Policy Area in the South Central Planning District Development Plan by-law no. 3-2003.</p> <p>The intent of the Rural Policy area is to support agricultural activities as dominant land uses. Objective 3.2.8 is to <i>support local ownership of livestock operations within the Planning District.</i></p> <p>Of the policies in the Development Plan the following would apply:</p> <p><i>3.3.3.16 A council may require an owner of a new or expanding livestock operation to enter into a development agreement regarding items specified in The Planning Act.</i></p> <p>The site is also located within the Assiniboine River Greenway as identified in the Development Plan. Policy 3.2.10(a) states that existing agricultural uses will be protected (including livestock operations).</p> <p>The proposed livestock operation expansion is on land zoned "AG" - Agricultural General in Zoning By-law 2452-05 for the Municipality of Norfolk Treherne. The land is outside the Designated Communities Livestock Management areas set out in the Zoning By-law so the Good Neighbour Siting Standards set out in section 1.4 of the zoning by-law do not apply to this situation.</p> <p>Section 5.8 requires that any livestock confinement structure be located more than 350 feet away from any surface watercourse. The proposed facility is more than 1500 feet away from the Assiniboine River and exceeds this requirement.</p>	MR
10. Proposed Project Site that is a sufficient distance from native prairie, Wildlife Managements Areas and Crown Land.	X	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	SD
11. Proposed Spreadfields that are sufficient, and suitable for manure spreading	X	<p>Fairholme Colony has satisfied the land requirement for all of the livestock on the Colony. A detailed explanation of the land assessment can be found in the appendix.</p> <p>The liquid pig manure will be injected into soil as a fertilizer for crop production. Injection has a number of benefits in addition to reducing odours from land application. Injection reduces gaseous losses of fertilizer nitrogen (N) which, in turn, reduces the amount of manure that must be applied to</p>	Ag

Provincial Technical Overview of TRC 12-043 Fairholme Colony Farms Ltd:

Items Provided by Project Proponent	Con- firmed	Related Existing Provincial Safeguards	Dept
		<p>meet the N requirement of the crop. A lower overall application rate will reduce the amount of phosphorus (P) that will be applied, slow the buildup of soil P and reduce the risk of P loss in runoff.</p> <p>As the operation is greater than 300 AU, a manure management plan must be submitted annually to Manitoba Sustainable Development. If the services of a manure management planner are used, the planner must be a Professional Agrologist or Certified Crop advisor and must have successfully completed training in manure management planning delivered by the Assiniboine Community College. (See Appendix A)</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 (See Appendix B)	SD
14. Proposed Spreadfields that have been secured by spread agreements	X	The proposal indicates that the land available for manure application is owned by Fairholme Colony.	Ag
15. Proposed Spreadfields that meet development plan and zoning by-law requirements	X	<p>The proposed spreadfields are mostly located within the area designated as Rural Policy Area within the South Central Planning District Development Plan by-law 3-2003 and zoned Agricultural General Zone in the Norfolk-Treherne Zoning By-law 2452-05. There is one full section and two half sections located within the RM of Portage la Prairie. These are designated Rural /Agricultural Policy Area within the Portage la Prairie Planning District Development Plan By-law 1-2006. And zoned Agricultural General Zone in the RM of Portage la Prairie Zoning By-law 3096.</p> <p>The designation and zoning of the proposed spreadfields is</p>	MR

Provincial Technical Overview of TRC 12-043 Fairholme Colony Farms Ltd:

Items Provided by Project Proponent	Con- firmed	Related Existing Provincial Safeguards	Dept
		<p>appropriate for this use.</p> <p>It may be worth noting that although there are spreadfields adjacent to the Assiniboine River there is a treed buffer between 600 and 900 feet wide between the agricultural land and the water.</p>	
<p>16. Proposed trucking routes and access points that may impact Provincial Roads or Provincial Trunk Highways</p>	<p align="center">X</p>	<p>The proposed truck route will utilize existing municipal/Government Road Allowances with an existing Government Road Allowance access connection onto PR 305. 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 PR 305 (125 feet from the edge of the right-of-way) requires a permit from our office. The contact is Sheena del Rosario at (204) 945-3457. The placement of temporary draglines or any other temporary machinery/equipment for manure application within the right-of-way of PR 305 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 PR 305 (125 feet from the edge of the right-of-way).</p>	<p align="center">MI</p>
<p>17. Proposed trucking routes – local roads</p>	<p align="center">X</p>	<p>None of the proposed trucking routes are on local roads.</p>	<p align="center">MR</p>
<p>18. Declared Provincial Waterways</p>	<p align="center">X</p>	<p>There are no Provincial Waterways in immediate proximity to either the prosed site or the proposed spread fields.</p>	<p align="center">MI</p>

Provincial Departments

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

D. PUBLIC COMMENTS & DISPOSITIONS

Public Comment Summary	
Murray Harvey Portage la Prairie	<p>Opposed</p> <p>I have owned land for over 30 years directly adjoining Fairholme Colony's building site at NE-22-09-08W. I am firmly opposed to any intentions Fairholme Colony may have to expand their hog operation due to a number of factors I have observed over an extended period of time as their "close" neighbor. They are:</p> <ul style="list-style-type: none">- 1. My property is on the river flat and partly up the side-hill, directly beside Fairholme Colony's yard site on the northeast side and adjacent to the Assiniboine River on the west side. It is a 45-acre parcel of land which is cut-off from the other farmland I own on the other side of the river. When I initially attempted to have the property legally surveyed, and before the surveyor could finish his report, the stakes disappeared. I, as well as the professional surveyors, found this to be very suspicious as no one else but colony members has access to that area as you have to drive through their yard site and residential area to access the property.- 2. When I initially purchased the land and numerous times over the past number of years, I have had several discussions with Fairholme Colony (specifically Chris Mandel) to stop farming or squatting on my land. They have ignored such requests.- 3. They built a well on my property without authorization.- 4. Again, without authorization or discussion with me, they pushed down a large windbreak of trees on my land.- 5. They polluted the aforementioned well on my property with hog sewerage from runoff water when they mismanaged their liquid manure by overflowing their slurry tank on the field above the river flat where my property lies. The run-off water with all the slurry contaminants ran into a couple of natural springs in the side-hill and into their well. Further, without consultation or authorization from me, they proceeded to dig a drainage ditch across my property and drained that contaminated water and sewerage directly into the Assiniboine River.

	<p>- 6. Further, when they polluted their own well on my property, they built a new well on a quarter section of land they purchased. They then turned that area into a feedlot and put cattle on the same land as they were drawing their main source of water for the colony from, as well as proceeded to dump potato waste and French fries from McCain Foods on that same property where their new well and source of water was located.</p> <p>- 7. We intend to develop our acreage into a recreational campground and do not want either the air or the water supply of a new well we will be building to be polluted by hog manure.</p> <p>Given Fairholme's demonstrated disrespect for safe farming practices, as well as water purity, and their neighbors' and colony members' health and well-being, I cannot support any intentions for this colony to expand their operation.</p>
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See Appendix C for Proponent's response to the Public Comment

THE PUBLIC COMMENT AND THE PROPONENT'S RESPONSE MAY ALSO BE VIEWED ON THE PUBLIC REGISTRY AT THE FOLLOWING LINK:

<http://www.gov.mb.ca/mr/livestock/trc-12-043.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
Andrea Bergman	Sustainable Development	Environment Officer Environmental Approvals Branch	945-4384
Jeff DiNella	Infrastructure	Senior Development Review Technologist Highway Planning and Design Branch	945-2664

APPENDICES

APPENDIX A

Land Assessment

Manitoba Agriculture

May 23, 2018

In areas of lower livestock intensity such as the RM of Norfolk Treherne, 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 Fairholme Colony manure management plan to balance phosphorus with crop removal, should it be necessary in the future.

In order to determine the land requirements for Fairholme Colony, nitrogen and phosphorus excretion by all of the livestock on the Colony are compared to nitrogen utilization and phosphorus removal by the proposed crops to be grown. The calculation takes into consideration typical, modern feeding practices and realistic, long-term crop yields from the Manitoba Agricultural Services Corporation (MASC) for the RM of Norfolk Treherne.

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), wetness (W), slope (T) and erosion (E). Class 1 to 5 soils are considered suitable for manure application. Fairholme Colony has indicated that manure will not be applied to Class 6 land.

Fairholme Colony requires at least 4123 acres of suitable land for manure application. Fairholme Colony has met the land requirement with the 4142 suitable acres.

Appendix B

Staff in the Water Science and Watershed Management Branch have reviewed the site assessment for Fairholme Colony Farms Ltd. in the RM of Norfolk Treherne and have the following comments:

- Proper nutrient management applications that avoid excess loss of nutrients to surface waters are needed on lands receiving manure in southern Manitoba because long-term trend analysis of total phosphorus and total nitrogen has shown significant increases in these nutrients in the Assiniboine and Red rivers (Jones and Armstrong 2002).
- The proponent plans to inject liquid manure but does not indicate how the solid manure will be land applied. Injection of manure at appropriate rates poses lower environmental risk than other manure application. Application of liquid and solid manure to alfalfa/hay/pasture is surface broadcast without incorporation due to the perennial nature of the crop. In order to reduce the risk of runoff losses, application should not occur to saturated, frozen or snow covered soils or when heavy rainfall is expected within 24 hours. Surface applications of manure are most susceptible to runoff losses of nutrients when runoff events occur within the first week or two after application. Applications to frozen soil or to soil shortly before the soil freezes are therefore much more likely to result in nutrient losses during spring snowmelt – ideally late fall surface applications should occur well ahead of the soil freezing.
- Manure tends to have an excess of phosphorus (P) compared to nitrogen (N) and as a result, for most crops, application at N-based rates causes a buildup of soil P. Practices which minimize N losses from the manure improve the N:P ratio in the manure and help reduce P buildup when manure is applied at N-based rates.
- The proponent has acknowledged the setback areas for all water features have been observed and excluded from land base calculations. Setbacks should be clearly communicated to and observed by those involved in manure application to minimize the risk of nutrients entering surface waters.
- Manitoba has included phosphorus as a nutrient by which fertilizer application through manure, synthetic fertilizer, and municipal waste sludge to agricultural lands may be limited. To remain environmentally sustainable over a long-term planning horizon of 25 years or more, the proponent must be able to balance phosphorus inputs from applied manure and other nutrient sources such as commercial fertilizers with crop removal rates to avoid further build-up in soils. Consequently, sufficient land base must be available such that manure can be applied at no more than 1 times crop P removal rates. For long-term planning purposes, the proponent needs to have sufficient land available to ensure that manure can be applied at 1 times crop P removal. The proponent acknowledges that 8,029 acres may be required for the long term environmental sustainability of the operation with current crop choices and yield potential. The proponent has identified sufficient land (4,142 acres) to apply at 2 times crop P removal (4,015

acres required to apply at 2x crop P removal with current crop choices and yield potentials) and to meet crop N requirements (4,123 acres) which meets regulatory requirements. It is important to rotate manure application across all spread fields so as to prevent excessive P buildup when applying at 2x crop P removal rates.

- If there are unused water wells on the site or spread fields these shall be properly sealed. A sealed well report must be filed with the Groundwater Management Section of Sustainable Development for each well sealed. Information on well sealing and the sealed well report are available from Sustainable Development (204-945-6959) or: http://www.gov.mb.ca/sd/waterstewardship/water_quality/wells_groundwater/index.html. All but the most basic wells should be sealed by a well drilling professional. A list of currently licensed well drilling professionals can also be accessed from the above web page. All groundwater features, including water wells, should be given as a minimum, the amount of buffer during manure application as outlined in the regulations.

APPENDIX C

Proponents Response to Public Comments

June 5th, 2018

Transmitted via email: thompsoncrp@gov.mb.ca

Attention: Don Malinowski, Acting Manager/TRC Coordinator

Manitoba Indigenous & Municipal Relations

Room 604 – 800 Portage Avenue

Winnipeg, Manitoba R3G 0N4

Tel: 204-945-8353

Dear Mr. Malinowski,

Re: Fairholme Colony – TRC Response Letter

We are providing this response to address the concerns raised by Harvey Murray, who resides 10 miles away from our farm in the Municipality of Portage la Prairie.

Mr. Murray owns a quarter section of land nearby to our farm site, which is bisected by the Assiniboine River. Approximately 45 acres of this is adjacent to our farm yard and the balance is across the river from our site.

Mr. Murray has offered several comments of a general nature, many of which are not directly related to the proposed development. Below please find the comments provided by Mr. Murray, each followed by our specific responses.

The history of this parcel of land adjoining the Fairholme yard site is that in the early 1960s, the previous owner had, by verbal agreement with the then General Manager of Fairholme Colony, promised that the Colony should use and maintain the isolated parcel of land rent-free. Fairholme proceeded to upgrade the lands between and along the two properties, including installing a water well and planting and nurturing a willow shelterbelt. All work was done with the full knowledge and approval of the previous owner and the arrangement continued in this manner for many years.

When Mr. Murray purchased the land from the previous owner, he notified Fairholme of his acquisition and requested that we cease using his property. Fairholme complied with this request as best we could in the absence of delineated property lines.

Fairholme has on occasion acted unilaterally to control serious weed problems affecting our adjacent garden and crops on the road allowance between our properties. In the absence of any permanent delineation, it is not definite if or when we may have crossed the property line in these activities but no harm was done and no malice intended.

Furthermore, although there is no access to the property except across Fairholme's property, we do not stop or hinder anyone from using our private roads to access the Murray property. We have previously asked Mr. Murray or anyone to whom he grants access to his property to let us know if they to need use our roads through our residential yard area. To date, no such access has been

requested. We have recently built a new wider perimeter road around the residential section of our Colony that leads to our lands and the adjoining Murray river lands, which road is in our view open for unrestricted public use as it no longer leads right through the heart of our residences and children at play. Mr. Murray is free to use our private road in order to access his land.

Comment by Mr. Murray:

1. *My property is on the river flat and partly up the side-hill, directly beside Fairholme Colony's yard site on the northeast side and adjacent to the Assiniboine River on the west side. It is a 45 acre parcel of land which is cut-off from the other farmland I own on the other side of the river. When I initially attempted to have the property legally surveyed, and before the surveyor could finish his report, the stakes disappeared. I, as well as the professional surveyors, found this to be very suspicious as no one else but colony members has access to that area as you have to drive through their yard site and residential area to access the property.*

Response:

Fairholme's proposed project is approximately 1 mile from Mr. Murray's property and does not impact the property line issue in any way. To the best of our knowledge, a legal survey and permanent property pins have never been installed for the isolated segment of land that abuts our yard site. It is noteworthy that our land and the Murray land are also separated by a government road allowance that has also never been identified.

Comment by Mr. Murray:

2. *When I initially purchased the land and numerous times over the past number of years, I have had several discussions with Fairholme Colony (specifically Chris Mandel) to stop farming or squatting on my land. They have ignored such requests.*

Response: This comment is unrelated to the proposed development. Given the prior explanation regarding the history and use of the land, Fairholme believes that this comment misrepresents the existing circumstances. Certainly, Fairholme will continue to work diligently to avoid any misunderstandings concerning activities in the boundary areas between our site and the Murray property.

Comment by Mr. Murray:

3. *They built a well on my property without authorization.*

Response: The well in question is not currently in service and is not required or considered in the proposed development. As described previously, this water well was built with the full knowledge and approval of the previous landowner and set into service during the tenure of his ownership. To the best of our knowledge, it is on government right-of-way and not actually on the Murray property. Notwithstanding, this water well is no longer critical to our operations and can be decommissioned and abandoned if necessary. If abandoning the well is Mr. Murray's wish, Fairholme would be prepared to provide assistance.

Comment by Mr. Murray:

4. *Again, without authorization or discussion with me, they pushed down a large windbreak of trees on my land.*

Response: The shelterbelt in question is unrelated to the proposed development. The fate of the shelterbelt was unfortunate, but we planted and nurtured it and ultimately removed it following serious damage that occurred as a result of a fire. We believe the fire was the result of natural causes but a detailed investigation was never carried out. It is not exactly clear as yet on whose land the shelterbelt was. The delineation of land boundaries is complicated by two government rights-of-way, one all along the river and another road allowance splitting the two properties. To the best of our knowledge, these boundaries have never been laid out by a legal survey. Fairholme would certainly co-operate with Mr. Murray in engaging a certified company to provide a legal survey and permanent property pins.

Comment by Mr. Murray:

5. *They polluted the aforementioned well on my property with hog sewerage from runoff water when they mismanaged their liquid manure by overflowing their slurry tank on the field above the river flat where my property lies. The run-off water with all the slurry contaminants ran into a couple of natural springs in the side-hill and into their well. Further, without consultation or authorization from me, they proceeded to dig a drainage ditch across my property and drained that contaminated water and sewerage directly into the Assiniboine River.*

Response: Fairholme is unaware of any incidents or activities from which Mr. Murray has derived his concerns about the hog sewage pollution and well contamination. There has never been any accident or activity whereby any hog manure contaminated the water well, directly or indirectly.

We discontinued the regular use of the water well shortly after Mr. Murray purchased the land, even though we are reasonably sure the well is on government land and not on Mr. Murray's property. The well in question is a shallow well that is recharged by infiltration of surface water. This type of well is impacted by flooding. Given the present concerns about bio-security in livestock production, it was in Fairholme's best interests to develop a new, permanent water supply connected to the deeper and more secure aquifer. The 2011 flood is an example of an event that would have had a serious impact on the existing shallow well, had we been relying on it.

The drainage ditch Mr. Murray mentioned drains the low river plain lands behind a dyke on Fairholme property. This drainage watercourse is, in fact, a natural swale and a pre-existing land feature. If we have done anything since Mr. Murray's ownership, we merely cleaned the swale to allow the flooded lands behind the dyke to drain completely after the 2011 flood. To say that Fairholme built the drain to run hog sewage or contaminated water into the river is untrue and an irresponsible accusation. Furthermore, the drain is completely unrelated to the proposed development.

Comment by Mr. Murray:

6. *Further, when they polluted their own well on my property, they built a new well on a quarter section of land they purchased. They then turned that area into a feedlot and put cattle on the same land as they were drawing their main source of water for the colony from, as well as proceeded to dump potato waste and French fries from McCain Foods on that same property where their new well and source of water was located.*

Response: Fairholme's new proposed development will be served from our current deep water well. The deep well is currently in service and not part of the proposed development. The cattle feeding is also a longstanding activity that remains unchanged by the proposed development. As discussed previously, we do not believe any of our activities have contaminated the well in question by Mr. Murray. Although we have no recent knowledge, we expect the well could be restored to service if necessary. In the alternative, it could be decommissioned or removed as previously discussed.

The allegations regarding the dumping of potato waste onto the ground is taking the facts completely out of context. We purchase the potato by-product from a processing plant and use it as animal feed by incorporating it into a carefully designed ration. The potato product is mixed together with other ingredients for the cattle via a feed wagon on scales, preparing and dispensing a Totally Mixed Ration (TMR). The co-product is not dumped onto the ground. Rather, it is stored on a concrete pad in a feed storage facility that doubles as a corn silage pit. We consider that the recycling of food by-products is an environmentally beneficial substitute for home-grown feed crops.

The Fairholme beef herd consists mostly of mature cows and heifers and is a traditional cow-calf operation. We hold and back-ground the weaned calves for a few weeks to better prepare them for marketing to off-site feedlots. We do retain and grow a few young female replacements for our cow herd. We do not consider this operation a feedlot. All animals are pasture-raised throughout the growing season. None of this activity is directly related to the application for our new confined livestock facility.

Comment by Mr. Murray:

7. *We intend to develop our acreage into a recreational campground and do not want either the air or the water supply of a new well we will be building to be polluted by hog manure.*

Response: Fairholme does not intend to hinder anyone's plans to maximize the use and enjoyment of the land. Our families live in complete safety and enjoyment of our property. We see no reason why others wouldn't similarly enjoy the beautiful surrounding property nearby. There is no danger of pollution from Fairholme that would preclude the development of a recreational campground on the Murray property. We presume that such use of the Murray land would require formal consideration and development approval. Our current proposed development is set back a considerable distance from Mr. Murray's property and will be unlikely to impact proposed future development of his land.

Fairholme has been successfully producing hogs on this site since 1960. Applicable rules and codes for animal production have evolved over the last half-century and Fairholme has kept pace with all required changes, upgrading our manure storage facilities and manure management practices over time. Currently, as stated in the TRC, Fairholme used an existing glass-lined steel tank as a reserve manure storage for unforeseen emergency purposes. This existing glass-lined steel structure is still registered with the Province and is in good condition, although it hasn't been in active service. Our

existing main manure storage is an earthen storage located one mile northeast of the Murray property. Physical contamination of the Murray property is not possible. Any odours emanating from the earthen storage and travelling toward the Murray property would travel across the Fairholme Colony residential area well before reaching the Murray lands, a highly unlikely scenario considering our prevailing winds.


Manure storage odours rarely bother us. If odour becomes an issue, Fairholme will cover the earthen manure storage facility to the benefit of our own families as well as neighbours.

Fairholme utilizes all the manure annually as fertilizer to our grain crops, utilizing its high fiber value to build up our lighter soils. We have a registered manure-management plan, involving comprehensive soil sampling of all of our arable acreages, with planned, optimum fertilizer application after each annual crop. We have installed a permanent network of underground pipe to transfer manure to all the land we need to fertilize. We do not apply manure fertilizer to river land or in the adjacent valley, neither do we surface-spread any manure at any time, nor apply manure in winter. We directly inject all of our manure into the soil to conserve valuable fertilizer from the risk of run-off. This practice also eliminates manure-spreading odours.

We have lived on our farm site since 1959. The rules have changed, so we have complied by modifying and adapting our operations. One thing that hasn't changed is our love for the land and the area where we live. Like many Manitobans, we appreciate the Assiniboine River and its Valley, as well as the beaches it regularly provides for recreational activities. On several occasions we have enjoyed the visits of canoeists along the Assiniboine, who paused to utilize a serene beach near to us for an overnight stay or a weekend. We have no wish to pollute or destroy the beautiful landscape around us and plan to remain safely and pleasantly residing on our farm for many more generations.

And what's more, we sincerely believe we can do this together with Mr. Murray and all our neighbours and will actively work toward this end.

Respectfully submitted,



Christopher Paul Maendel