



TECHNICAL REVIEW COMMITTEE

A TECHNICAL REVIEW REPORT

PREPARED FOR THE

RM of CARTIER

JAMES VALLEY COLONY LTD.

**NE 14-10-3 WPM, SE 13-10-3 WPM,
NW 13-10-3 WPM, NW 24-10-3 WPM**

TRC 12-105

August 9, 2024

A. INTRODUCTION – THE TEAM

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

Agriculture (AGR)

- Agricultural Engineer
- Business Development Specialist
- Veterinarians
- Livestock Environment Specialist
- Nutrient Management Specialist

Economic Development, Investment, Trade and Natural Resources (EDITNR)

- Crown Lands Manager
- Fish Habitat Specialist
- Habitat Mitigation Biologist

Environment and Climate Change (ECC)

- Environmental Engineer
- Environment Officer
- Water Rights Licensing Technologist
- Land-Water Specialist
- Groundwater Specialist

Manitoba Transportation and Infrastructure (MTI)

- Senior Development Review Technologist
- Senior Flood Protection Planning Officer

Municipal and Northern Relations (MNR)

- Community Planners

And any other specialist or department that may have an interest, which may be consulted during the process.

THE TECHNICAL REVIEW COMMITTEE (TRC) REPORT

Purpose of TRC Reports

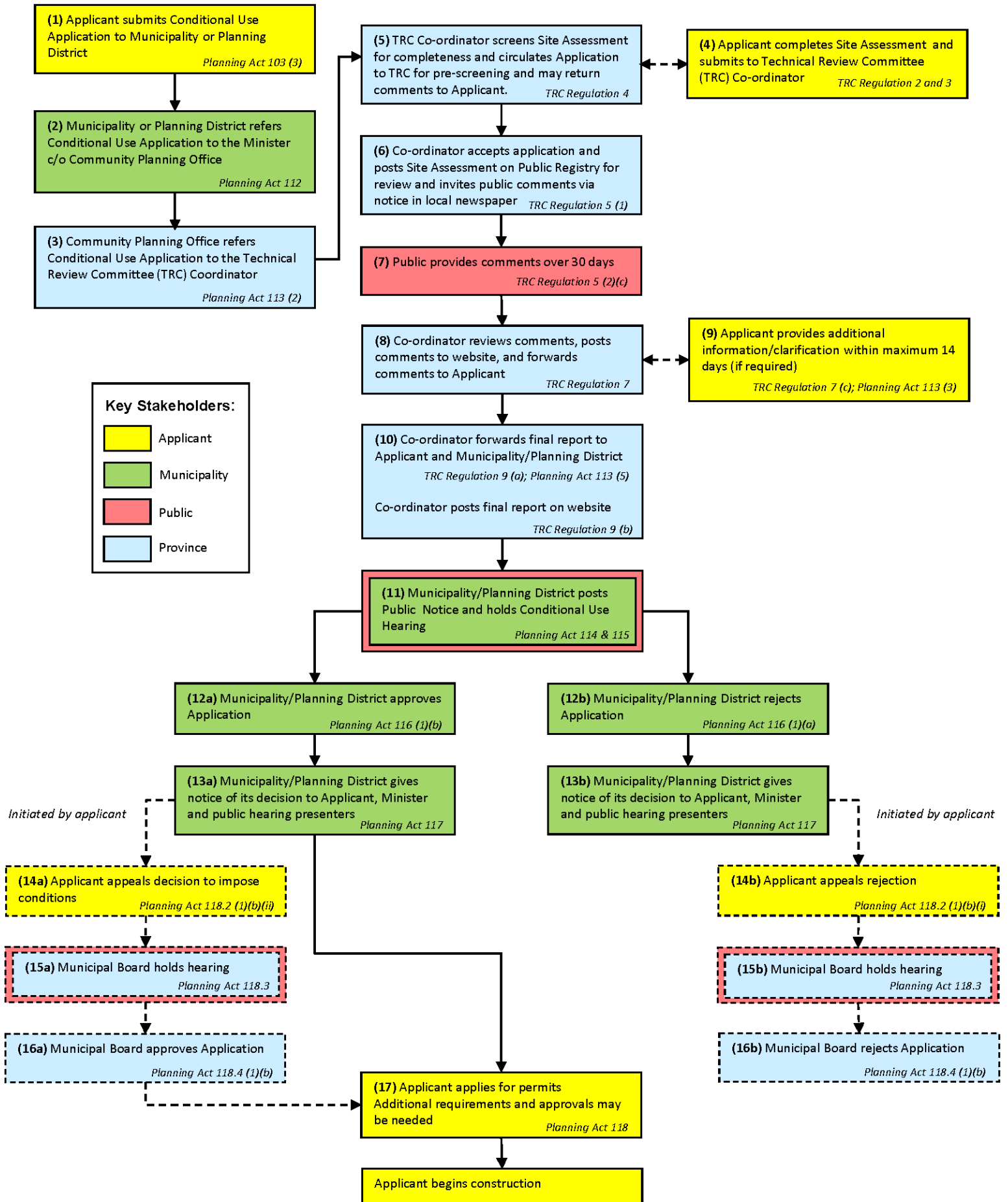
To provide objective, credible, technically-based assessments that:

- a) Enable municipal councils or planning districts 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, planning districts 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, measure 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. As of November 1, 2019, a proponent may appeal a municipal council's rejection of their application or appeal a condition imposed related to municipal council's approval. Appeals are made to the Municipal Board.

Livestock Technical Review Process

(June 19, 2024)



Further information can be found at https://www.gov.mb.ca/mr/livestock/public_registries.html

Applicant: James Valley Colony Ltd.

Site Location: Refer to map below.

NE 14-10-3 WPM: main project site,
SE 14-10-3 WPM: proposed composting site,
NW 13-10-3 WPM: existing feedlot location, and
NW 24-10-3 WPM: existing manure storage location

Proposal: To seek Conditional Approval for 10 mature cows (20 AU), 75 feeder cattle (58 AU), 650 sows farrow to finish (813 AU), 44,000 broiler chickens (220 AU), 19,000 layer chickens (158 AU), and 9,500 pullet chickens (31 AU).

This will involve the following:

- Renovation and reuse of existing buildings etc.
- Earthen and field manure storage
- Estimated daily water use of 27,532 imperial gallons from existing well
- Composting and rendering of mortalities
- Truck haul routes as shown in map below

R.M. OF CARTIER

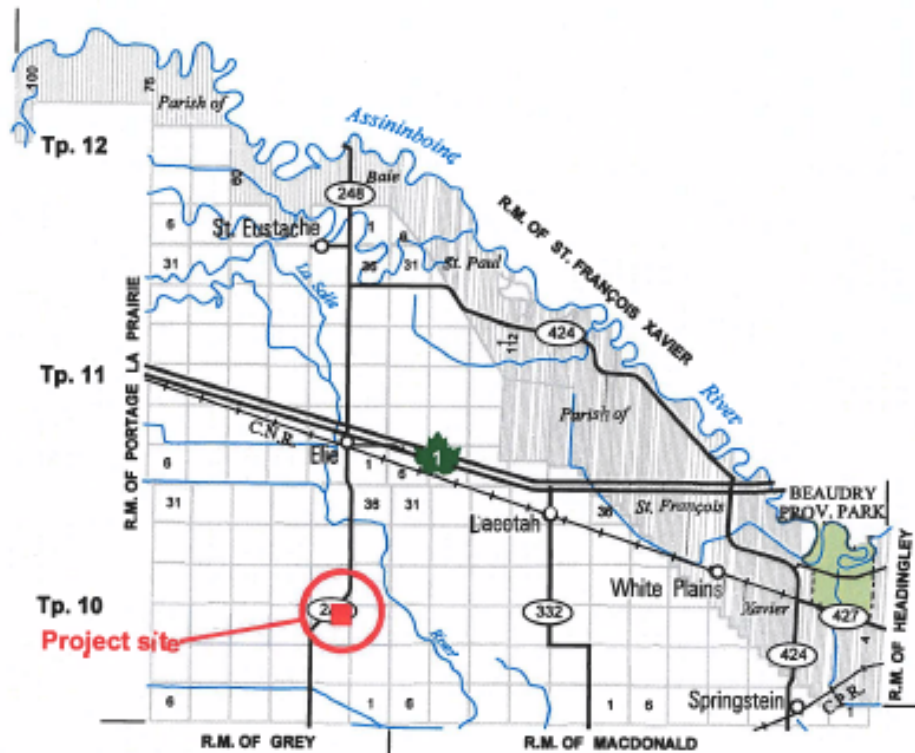


PROVINCE OF MANITOBA
 INFRASTRUCTURE
 HIGHWAY PLANNING AND DESIGN BRANCH
 GEOGRAPHIC & RECORDS MANAGEMENT SECTION
 WINNIPEG
 JANUARY 1, 2015

REVISED: APRIL 2015

LEGEND

TRANS-CANADA HIGHWAY		ACCESS ROADS	
PROVINCIAL ROADS		RAILWAYS	



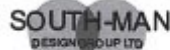
James Valley Colony
NE 14-10-3W
RM of Cartier

SHEET 1 of 1

Location Map



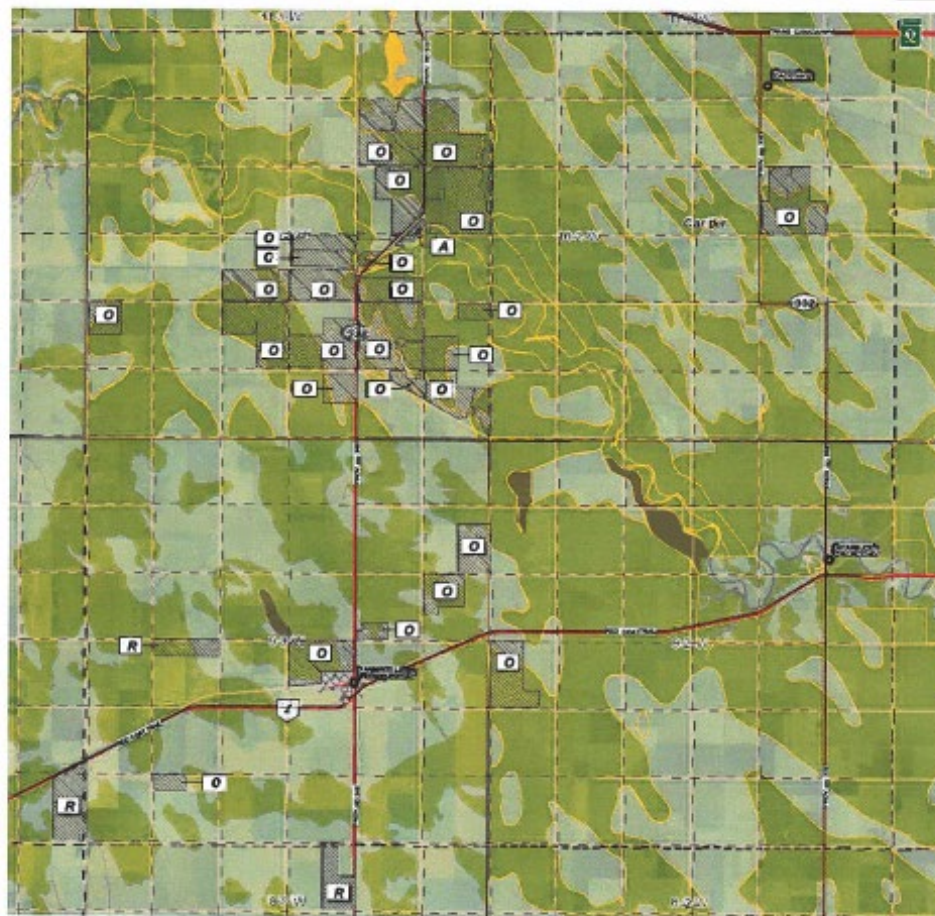

**ENGINEERS
GEOSCIENTISTS
MANITOBA**
 Certificate of Authorization
South-Man Design Group Ltd.
 No. 7810
 ISSUED FOR CONSTRUCTION

CLIENT NAME:
James Valley Colony

 Unit 8 - 851 Logansville Blvd, Winnipeg, MB, R2J 3K4
 www.southmandesign.ca
 Phone: 204-371-7314 | Fax: 204-223-0389
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PROJECT LOCATION:
NE-14-10-3W, Elle, MB
 PROJECT NUMBER: 2311-120
 DRAWN BY: AH
 CHECKED BY: DE
 DATE: **12/13/23**

PROJECT NAME:
Tech Review
S-0
Project Site Plan

Drawing is the property of South-Man Design Group Limited



- A** PROJECT SITE
 - R** RENTED
 - O** OWNED
- SOIL CLASS 1
 - SOIL CLASS 2
 - SOIL CLASS 3
 - SOIL CLASS 4
 - SOIL CLASS 5




**ENGINEERS
GEOSCIENTISTS
MANITOBA**
 Certificate of Authorization
South-Man Design Group Ltd.
 No. 7810
 ISSUED FOR CONSTRUCTION

CLIENT NAME:
James Valley Colony


 Unit 8 - 851 Lagimodiere Blvd, Winnipeg, MB R2J 3K4
 www.southmandesign.ca
 Phone: 204-581-7334 Fax: 204-233-0288
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PROJECT LOCATION:
NE-14-10-3W, Elie, MB

PROJECT NUMBER: 2311-120
 DRAWN BY: AH
 CHECKED BY: DE
 DATE: **12/13/23**


PROJECT NAME:
Tech Review


S-1

Spread Field Map

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No. 7810
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CLIENT NAME:
James Valley Colony

Unit 8 - 651 Laprochian Blvd, Winnipeg, MB, R2J 3M4
 www.southmandesign.ca
 Phone: 204-271-7214 • Fax: 204-271-4288
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PROJECT LOCATION:
NE-14-10-3W, Elie, MB
 PROJECT NUMBER: 2311-120
 DRAWN BY: AH
 CHECKED BY: DE
 DATE: **12/13/23**

PROJECT NAME:
Tech Review
S-3
Truck Haul Route

Drawing is the property of South-Man Design Group Limited

C. SITE ASSESSMENT OVERVIEW

Provincial Technical Overview of TRC 12-105 – JAMES VALLEY COLONY LTD.				
Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
1	Submitted complete site assessment	X	Technical Review Committee Regulation 119/2011 requires an applicant to submit a completed site assessment.	MNR
2	Clearly identified the current and proposed type and number of animals and animal units	X	James Valley Colony Ltd. is currently seeking Conditional Use approval for 10 dairy cows plus associated livestock, 75 beef feeder cattle, 650 sows (farrow to finish), 44,000 broiler chickens, 19,000 layer chickens and 9,500 layer pullets. Based on their current livestock inventory, this is a very modest expansion from 1158 to 1299 AU.	AGR
3	Project clearly defined as: <u>animal confinement facility / confined livestock area</u>	X	The proposed animal confinement facility is not regulated under the Livestock Manure and Mortalities Management Regulation.	ECC
		X	The project is clearly defined as an animal confinement facility under <i>The Planning Act</i> . Additional livestock will be contained within the renovation and the reuse of existing buildings.	MNR
4	Identified all existing and proposed buildings and structures and related separation distances	X	<p>The site assessment indicates that the existing EMS does not meet the minimum separation distance requirements of the Zoning By-law (RM of Cartier Zoning By-law 1658-18). However, the structure on the NW 24-10-3 WPM is not a residence so the separation distance requirement does not apply.</p> <p>The existing Broiler Barn (Building #12) has a 35 ft. setback form the property line, which does not meet the current minimum side yard requirement for an agricultural operation of 50 feet in the “AG” Zone. However, the barn may have been lawfully in existence before the enactment of the zoning by-law and therefore eligible for a certificate of legal non-conformity, which the Municipality may require as an alternative to a zoning variance.</p>	MNR
5	Demonstrated project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone	X	Project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone.	ECC

Provincial Technical Overview of TRC 12-105 – JAMES VALLEY COLONY LTD.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
6	Identified suitable water source: 3 existing wells located at N ½ of Section 14-10-3 WPM & public water pipeline and a water consumption rate of 27,532 imperial gallons per day	X	Based on the water consumption information provided, this proponent is required to apply for a Water Rights Licence under <i>The Water Rights Act</i> . An application can be submitted via our online portal – https://web22.gov.mb.ca/Sso/Account/LogOn	ECC
7	Proposed project site meets development plan, zoning by-law	X	<p><i>The Planning Act</i> requires that development plans must include a livestock operation policy that guides zoning by-laws dealing with livestock operations.</p> <p><i>The Planning Act</i> requires municipalities to issue development permits for any development on a site. All development must comply with the Zoning By-law and Development Plan. Any proposed development that does not meet the separation distances or setbacks requires Council approval and a public process to vary those requirements.</p> <p>Designation The proposed livestock operation in the RM of Cartier is designated Rural General Policy Area (White Horse Plains Planning District Development Plan By-law 1-2016) and the proposal complies with Development Plan Policies 3.1.17 to 3.1.24 (Livestock Policies).</p> <p>Note: Development Plan Amendment By-law No. 1-2016 was approved on December 13, 2016 to allow existing operations to expand beyond 300 AU within the Rural General Policy Area as a Conditional Use.</p> <p>Zoning The proposed site is zoned “AG” Agricultural General Zone (RM of Cartier Zoning By-law No.1658-18) and has a minimum site area requirement of 80 acres with a minimum site width requirement of 600 ft. A certificate of legal non-conformity or a zoning variance is recommended confirming the legal status of the 35 ft. south side yard setback, which does not meet the current minimum side yard requirement for an agricultural operation of 50 feet in the “AG” Zone.</p> <p>Note: Zoning By-law No.1658-18 was approved on May 28, 2018 to allow existing operations with more than 300 AU to expand as a Conditional Use in the “AG” Zone.</p>	MNR

Provincial Technical Overview of TRC 12-105 – JAMES VALLEY COLONY LTD.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
8	Identified any unsealed abandoned wells on the project site or spread fields	X	<p>The proposal identifies that the water use for the proposed livestock operation is from the pipeline (public / water cooperative) and existing wells located on the N ½ of Section 14-10-3 WPM. The provincial water well database contains information for wells associated with the proposed livestock operation.</p> <p>The proposal indicates that no abandoned wells are present on the site or spread fields. However, the provincial water well database indicates that there are wells present within some proposed spread field locations. The accuracy of well locations and their status in the database is unknown and may be incorrectly reported (Please contact MB Environment and Climate Change for more information). It is expected that the proponent will attempt to identify any wells.</p> <p>Any wells that are in use require a minimum buffer as outlined in regulations, during spreading. Wells that are not in use should be properly sealed and a sealed well report must be filed with the Groundwater Management Section of MB Environment and Climate Change.</p> <p>A well drilling professional should seal all but the most basic wells. A list of currently licensed well drilling professionals can also be accessed from the above web page. If the proponent confirms that a reasonable effort has been made and no well(s) located, then they can proceed with their operation.</p> <p>Information on possible well locations, well sealing and well sealing reports are available from MB Environment and Climate Change (204-945-6959) or: https://www.gov.mb.ca/water/groundwater/wells_groundwater/index.html.</p> <p>During manure spreading, the setback distances to all groundwater features as prescribed under the Livestock Manure and Mortalities Management Regulation should be considered as a minimum distance.</p>	ECC

Provincial Technical Overview of TRC 12-105 – JAMES VALLEY COLONY LTD.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
9	Identified suitable manure storage methods	X	<p>The applicant will use an existing manure storage that is registered or was constructed under permit. Under the Livestock Manure and Mortalities Management Regulation, the applicant must:</p> <ul style="list-style-type: none"> • Ensure there is sufficient capacity to store all manure through the winter. • Maintain the structural integrity of the storage. Operate the storage so that it does not pollute surface water, ground water or soil. <p>The applicant will store solid manure as field storage. Under the Livestock Manure and Mortalities Management Regulation, the applicant must:</p> <ul style="list-style-type: none"> • Locate the manure at least 100 m from any surface watercourse, sinkhole, spring, or well. • Ensure the manure does not pollute surface water, groundwater, or soil. • Land-apply the stored manure the following year. 	ECC
10	Identified acceptable manure application methods	X	<p>Under the Livestock Manure and Mortalities Management Regulation, the applicant must:</p> <ul style="list-style-type: none"> • Operate with an annual manure management plan which includes: <ul style="list-style-type: none"> • Manure type, volume, and nutrient values • Spread field location and soil class • Soil tests showing nitrogen and phosphorus levels • Crops to be grown • Manure application rate • Ensure manure does not pollute groundwater, soil or escape the operation's boundaries. <p>Follow requirements for the land application of manure, including nitrogen limits and phosphorus thresholds.</p>	ECC
11	Mortalities disposal methods identified Rendering and Composting	X	<p>The applicant will render mortalities, which is an acceptable method of disposal. The applicant must keep the carcasses secure from scavengers, and ensure they are delivered to a rendering plant within four days after death unless refrigerated or frozen.</p> <p>The applicant will compost mortalities. Under the Livestock Manure and Mortalities Management Regulation, the applicant must:</p> <ul style="list-style-type: none"> • Ensure the composting does not pollute surface water, groundwater, or soil. • Locate the composting site at least 100 m from any surface watercourse, well, or the operation's boundaries. <p>Ensure the composting facilities and process are acceptable to the director.</p>	ECC

Provincial Technical Overview of TRC 12-105 – JAMES VALLEY COLONY LTD.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
12	Proposed suitable setback distances from water and property lines for manure, livestock and mortalities	X	The applicant has indicated that all setback distances meet minimum requirements set out in the Livestock Manure and Mortalities Management Regulation.	ECC
13	Indicated if proposed project site is within designated flood area or is otherwise at risk of flooding	X	The proposed project site is not within a designated flood area; however, it may be at risk of flooding from the La Salle River. Any new structures should be built to the 200-year flood protection level.	MTI
14	Proposed acceptable odour control measures	X	James Valley Colony Ltd. has not identified any odour control practices. 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.	AGR
		X	There are no odour control practices identified. Section 116(2)(c) of <i>The Planning Act</i> allows a municipal council to require a manure storage cover and or the establishment of shelterbelts as a condition of approval to reduce odour from the livestock operation.	MNR
15	Proposed sufficient and suitable land for manure spreading with minimum setbacks from water sources	X	The estimated land requirement for James Valley Colony Ltd. is 1594 acres for the phosphorus excreted by the livestock or 1540 acres for the nitrogen, whichever is higher. James Valley Colony Ltd. has greatly exceeded the land requirement by demonstrating that they have access to 7304 suitable acres. Additional details can be found in the appendix.	AGR
		X	Under the Livestock Manure and Mortalities Management Regulation, manure spreading must meet setback distances to all surface watercourse and groundwater features.	ECC

Provincial Technical Overview of TRC 12-105 – JAMES VALLEY COLONY LTD.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
16	Indicated if spread fields are located in the Red River Valley Special Management Area or any other regularly inundated area	X	The applicant has indicated that some spread fields are located within a regularly inundated area. Under the Livestock Manure and Mortalities Management Regulation, manure applied there between September 10 and November 10 must be injected or incorporated within 48 hours. This does not apply where perennial forages are established, or the soil is not disturbed except for seed planting or commercial fertilizer application and has adequate crop residue to control erosion.	ECC
17	Proposed spread fields that meet development plan and zoning by-law requirements	X	The proposed spread fields comply with the White Horse Plains Planning District Development Plan By-law 1-2016 Development Plan Policies 3.1.17 to 3.1.24 (Livestock Policies) and the RM of Cartier Zoning By-law 1658-18.	MNR
18	Proposed acceptable manure transportation methods	X	No comment from the department.	ECC
	dragline, solid spreader	X	<p>Please be advised that any structures placed within the controlled area of PTH 2 and PR 248 (125 feet from the edge of the right-of-way) requires a permit from our office. For permit information, please contact Juanita Mowbray at 204-583-2433 or by email at Juanita.Mowbray@gov.mb.ca. Permit information can also be found at https://forms.gov.mb.ca/highway-permits-application/index.html.</p> <p>The placements of temporary drag lines or any other temporary machinery/equipment for manure application within the right-of-way of PTH 2 or any PR 248 requires permission from Manitoba Transportation and Infrastructure's Steinbach Office. Please contact the Regional Planning Technologist, Robert Fender, at (204) 346-6266 or Robert.Fender@gov.mb.ca. 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 or any PR 248 (125 feet from the edge of the right-of-way).</p>	MTI
19	Identified suitable trucking routes and access points	X	The proposed truck haul route utilizes an existing municipal road connecting to PR 248. We don't anticipate any significant increase in use.	MTI

Provincial Technical Overview of TRC 12-105 – JAMES VALLEY COLONY LTD.

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
20	Identified proposed trucking routes – local roads	X	<p>The proposed site is accessed by municipal roads 13W, PR 248 and PTH 1.</p> <p>As per Section 116(2) of <i>The Planning Act</i>, municipalities as a condition of approval may require proponent to enter into a development agreement regarding the condition and upkeep of local roads used as truck haul routes.</p>	MNR
21	Known rare species will not be impacted on new sites/lands	X	<p>The information provided in the assessment suggest that there will not be any conflicts with species protected under <i>The Endangered Species and Ecosystems Act</i> and/or <i>The Species at Risk Act</i> or designated as rare or uncommon by the Manitoba Conservation Data Centre (MBCDC).</p> <p>This review is based on existing data known to the MBCDC of the Wildlife Branch at the time of the review. These data are dependent on the research and observations of our scientists and reflects our current state of knowledge. An absence of data does not confirm the absence of any rare or endangered species. Many areas of the province have never been thoroughly surveyed, however, and the absence of data in any particular geographic area does not necessarily mean that species or ecological communities of concern are not present. The information should, therefore, not be regarded as a final statement on the occurrence of any species of concern. All future observations of rare or endangered species made by the proponent should be reported to the MBCDC for further review.</p>	EDIT NR

Provincial Departments: Agriculture (AGR); Environment and Climate Change (ECC); Transportation and Infrastructure (MTI); Municipal and Northern Relations (MNR); Economic Development, Investment, Trade and Natural Resources (EDITNR)

D. PUBLIC COMMENTS AND DISPOSITIONS

Public Comment Summary	
Dale & Carol Fossay Near Starbuck, MB	Commenter supports the expansion as the applicant is known as an excellent farmer.

A full copy of the public comments as well as the proponent's response may be viewed on the public registry at: https://www.gov.mb.ca/mr/livestock/public_registries.html

See Appendix B for the proponent's response to the public comments.

E. CONCLUSIONS AND RECOMMENDATIONS

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

1. 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
 - i. the applicant,
 - ii. the Minister (c/o the Portage Community Planning Office),
 - iii. all adjacent planning districts and municipalities, and
 - iv. 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; and
 - b) publish the notice of hearing in one issue of a newspaper with a general circulation in the planning district or municipality or, when there is no newspaper with a general circulation in the area, post the notice in the office of the planning district or municipality and at least two other public places in the 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*.
2. Council should specify the type(s) of operation, legal land location, number of animals in each livestock category, total animal units, and expiration date (as per Section 110(1) of *The Planning Act*) in its Conditional Use Order.
3. 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 Community Planning Office), and
 - c) every person who made representation at the hearing.
4. According to the RM of Cartier Zoning By-law No.1658-18, the required minimum side yard for an agricultural operation in the "AG" Zone is 50 ft. As the existing barn has a 35 ft. south side yard, Council may require the proponent to apply for a certificate of non-conformity or to obtain a zoning variance.
5. Councils are requested to include in their resolution and/or Conditional Use Order, notification that the applicant may appeal council's decision to reject the application or appeal a condition imposed by council related to its approval as per Section 118.2 of *The Planning Act*.
 - As per Section 118.2(1)(b), an applicant may appeal the following decisions of a board or council to the Municipal Board for an application for approval of a conditional use made in respect of a large-scale livestock operation,
 - (i) a decision to reject the application,
 - (ii) a decision to impose conditions.

As per Section 118, no development or expansion of a livestock operation that is the subject of an application under this Division may take place until

- (a) the application is approved and the applicant complies, or agrees to comply, with any condition imposed on the approval under this Division; and
 - (b) the applicant obtains every approval, including any permit or licence, required under an Act, regulation or by-law in respect of the proposed operation or expansion, and complies with, or agrees to comply with, any condition attached to the approval.
6. Council is welcome to contact Manitoba Environment and Climate Change, Environmental Approvals Branch or Regional Environmental Compliance and Enforcement staff with respect to the Livestock Manure and Mortalities Management Regulation (M.R. 42/98) including compliance and enforcement issues.

Recommended Actions to Proponent

1. That the proponent contacts the Municipality prior to the Conditional Use Hearing to determine whether a certificate of non-conformity or a zoning variance will be required to confirm the legal status of the 35 ft. south side yard of the proposed operation.
2. That any additional measures identified through subsequent provincial licencing or permitting in order to minimize any identified risks to health, safety and the environment be undertaken.
3. That as per Section 118.2(2)(b), an applicant may appeal the following decisions of a board or council to the Municipal Board:
 - (i) a decision to reject the application,
 - (ii) a decision to impose any condition on the approval.

F. TECHNICAL REVIEW COMMITTEE MEMBERS

Name	Department	Title Branch	Contact
Inonge Aliaga	Municipal and Northern Relations	Senior Planner <i>Community Planning Branch</i>	431-276-9741
Petra Loro	Agriculture	Livestock Environment Specialist <i>Land Use and Ecosystem Resilience Branch</i>	204-918-0325
Colin Murray	Economic Development, Investment, Trade and Natural Resources	Information Manager- Manitoba Conservation Data Centre <i>Fish and Wildlife Branch, Natural Resources and Northern Development</i>	204-914-2849
Julie Froese	Environment and Climate Change	Manure Management Plan Coordinator <i>Environmental Approvals Branch</i>	204-945-7104
Jeff DiNella	Transportation and Infrastructure	Senior Development Review Technologist <i>Highway Planning and Design Branch</i>	204-945-2664

Appendix A

Manitoba Agriculture – Sustainable Agriculture Branch

In areas of higher livestock intensity (Hanover and La Broquerie), it is currently the Province of Manitoba's policy to require sufficient suitable land for all nitrogen and phosphorus generated by livestock. In areas of lower livestock intensity, such as the RM of Cartier, it is currently the Province's policy to require sufficient suitable land for all of the nitrogen and half of the phosphorus generated by livestock. This policy assumes that more land is available in areas of lower livestock intensity to balance manure phosphorus with crop phosphorus removal, should it be necessary in the future.

Typical, modern feeding practices for livestock were used to estimate nutrient excretion for the proposed James Valley Colony Ltd. operation. Realistic, long-term 10-year crop yields from the Manitoba Agricultural Services Corporation (MASC) for the RMs of Cartier and Grey were used to estimate crop nitrogen uptake and phosphorus removal rates for crop rotation as specified in the proposal.

Land suitability is determined using soil testing for phosphorus and soil survey to establish agriculture capability. Soils must be below 60 ppm Olsen P to be considered suitable. Reconnaissance soil survey is available in the area to determine the agriculture capability of the land. The soil survey indicates that most of the land is Class 2 and 3 (prime agricultural land). The most significant limitations in the area are wetness (W) and, to a lesser extent, salinity (N). Any areas of Class 6W are likely too wet to be trafficable and should be excluded from the manure management plan.

The estimated land requirement for the proposed James Valley Colony Ltd. operation is 1594 acres for the phosphorus excreted by livestock or 1540 acres for the nitrogen, whichever is higher. James Valley Colony Ltd. has greatly exceeded the land requirement by demonstrating that they have access to 7304 suitable acres.

Manitoba Economic Development, Investment, Trade and Natural Resources – Lands Branch

A review of the information provided suggests that there is no impact to Crown land administered under *The Crown Lands Act*. This review is based on information known to Lands Branch as documented in the Crown Lands Registry System.

The Crown Lands Act is not bound by *The Planning Act* although the Lands Branch will give consideration to livestock planning priorities when undertaking planning activities and making land-use decisions on Crown lands.

The administration of Crown land is legislated under various acts including *The Crown Lands Act*, *The Wildlife Act*, *The Provincial Parks Act*, *The Forest Act*, *The Transportation Infrastructure Act*, and *The Water Resources Administration Act*. Should the proposed project expand beyond what is represented by the Applicant and impact Crown land, approval for Crown land tenure must be obtained through the responsible branch or department.

Manitoba Environment and Climate Change – Water Science and Watershed Management Branch

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 2001).

The proponent is planning to apply manure in fall. Liquid manure will be applied using full injection, which reduces the risk to surface water when compared to other application methods. Solid manure will be spread and incorporated within 48 hours, which will also reduce risk to surface water compared to broadcast only application.

For most crops, manure contains an excess of phosphorus (P) compared to nitrogen (N) and, as a result, application at N-based rates causes a buildup of soil P. Practices which reduce N losses from the manure improve the N:P ratio in the manure and help slow P buildup when manure is applied at N-based rates. The proponent is planning to apply liquid manure with full injection and incorporate solid manure, which will reduce N losses compared to broadcast application.

The proponent has acknowledged that 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 and groundwater.

Manitoba has included P as a nutrient by which fertilizer application through manure, synthetic fertilizer, and municipal waste sludge to agricultural lands may be limited. Many agricultural soils in Manitoba, especially areas with low livestock intensity (such as the RM of Cartier), are considered P-deficient and, making manure is an ideal fertilizer to support crop production in these areas. However, manure application can increase soil P over time and other spread fields may need to be added to prevent excessive soil P build up. As excess P levels build up in soils, greater losses occur to surface and ground water. It should be noted that Olsen soil-test P levels of 60 ppm are well above P needs for most crops (over 20 ppm is usually considered agronomically very high). In areas of lower livestock intensity, such as the RM of Cartier, it is the Province of Manitoba's policy to require sufficient suitable land for all of the N and half of the P generated by the livestock. This policy assumes that more land is available in the region to balance manure P with crop P removal should it be required in the future for long-term sustainability. To remain environmentally sustainable over a long-term planning horizon of 25 years or more, the proponent acknowledges that 3,188 acres of spread fields may be required for the operation. The proponent has identified 7,304 acres for manure application at this time. Application to meet crop N requirements is estimated to require 1,540 acres. Application at 2 times the crop removal of P is estimated to require 1,594 acres (3,188 acres is estimated to achieve P balance [P removal equal to P application] with current crop choices and yield potential).

As P levels build up in soils, the concentration of P in runoff to surface waters increases. It is important to rotate manure application across all spread fields and, whenever possible, to focus manure applications on fields with low Olsen-P soil test levels. This will prevent excessive P buildup when applying manure at rates above P balance (P removal by harvested crops).

During manure spreading, setback distances to all groundwater features as prescribed under the Livestock Manure and Mortalities Management Regulation should be considered as a minimum distance.

Manitoba Transportation and Infrastructure – Hydrologic Forecasting & Water Management

Scott Drain flows through the subject land and is designated provincial water infrastructure. As such, it is subject to section 15.2(1) of *The Water Resources Administration Act*, which states:

Unless the minister has issued a permit for the activity, a person must not do any of the following:

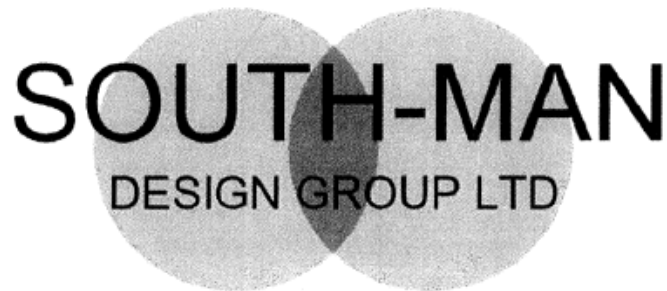
- a. *construct, or otherwise place or establish, any works or structures on, over, under, through or across provincial water infrastructure;*
- b. *place material on, or remove material from, provincial water infrastructure;*
- c. *perform any activity on or near provincial water infrastructure, or use the provincial water infrastructure in a manner, that*
 - i. *affects or has the potential to affect its structural integrity,*
 - ii. *degrades or has the potential to degrade its vegetation cover or any other covering material intended to limit erosion, or*
 - iii. *has the potential to impair its function.*

A Provincial Water Infrastructure Permit must be obtained by Manitoba Transportation and Infrastructure prior to the commencement of any construction or activity on or near provincial water infrastructure. **All** construction or activities with the potential to affect provincial infrastructure will require a Provincial Water Infrastructure Permit. This includes all drainage infrastructure and activities.

A Provincial Water Infrastructure Permit may be applied for at: <https://forms.gov.mb.ca/pww/>.

Manitoba Transportation and Infrastructure **will not** approve any new crossing on Provincial water infrastructure unless it can be demonstrated to be necessary. Property owners wanting access over Provincial water infrastructure must apply for a Provincial Water Infrastructure Permit, with works to be carried out at their own expense. The Province is not liable for any costs associated with providing access to newly developed properties.

Appendix B



Unit 8 - 851 Lagimodiere Blvd. Winnipeg, MB. R2J 3K4
www.southmandesign.ca
204-371-7314

**Re: James Valley Colony – Technical Review
Public Comment Response**

In support of the Technical Review the following has been prepared in response to the only comment that was received.

Dale and Carol Fossay -

The proponent would like to express their gratitude for the supportive comments of Dale and Carol. Efforts have been made by the colony over its history to respect the environment and have as little impact as practical on other residents of the municipality. The support of the Fossay's reinforce the fact that the colony's efforts have been noticed and appreciated.

Respectfully Submitted,

South-Man Design Group Ltd.

Per,

A handwritten signature in black ink, appearing to read "Peter Grieger".

Peter Grieger, P. Eng