



TECHNICAL REVIEW COMMITTEE

A TECHNICAL REVIEW REPORT

PREPARED FOR

**THE RURAL MUNICIPALITY
OF MORRIS**

RED RIVER GENETICS

SW 1/4 21-05-01 WPM

TRC 12-082

May 18, 2021

A. INTRODUCTION – THE TEAM

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

Agriculture and Resource Development (ARD)

- Aggregate Resource Planner
- Agricultural Engineer
- Business Development Specialist
- Crown Lands Manager
- Fish Habitat Specialist
- Groundwater Specialist
- Habitat Mitigation and Wildlife Land Specialist
- Land-Water Specialist
- Livestock Environment Specialist
- Nutrient Management Specialist
- Veterinarians

Conservation and Climate (CC)

- Environmental Engineer
- Environment Officer
- Water Rights Licensing Technologist

Infrastructure (MI)

- Senior Development Review Technologist
- Senior Flood Protection Planning Officer

Municipal Relations (MR)

- 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

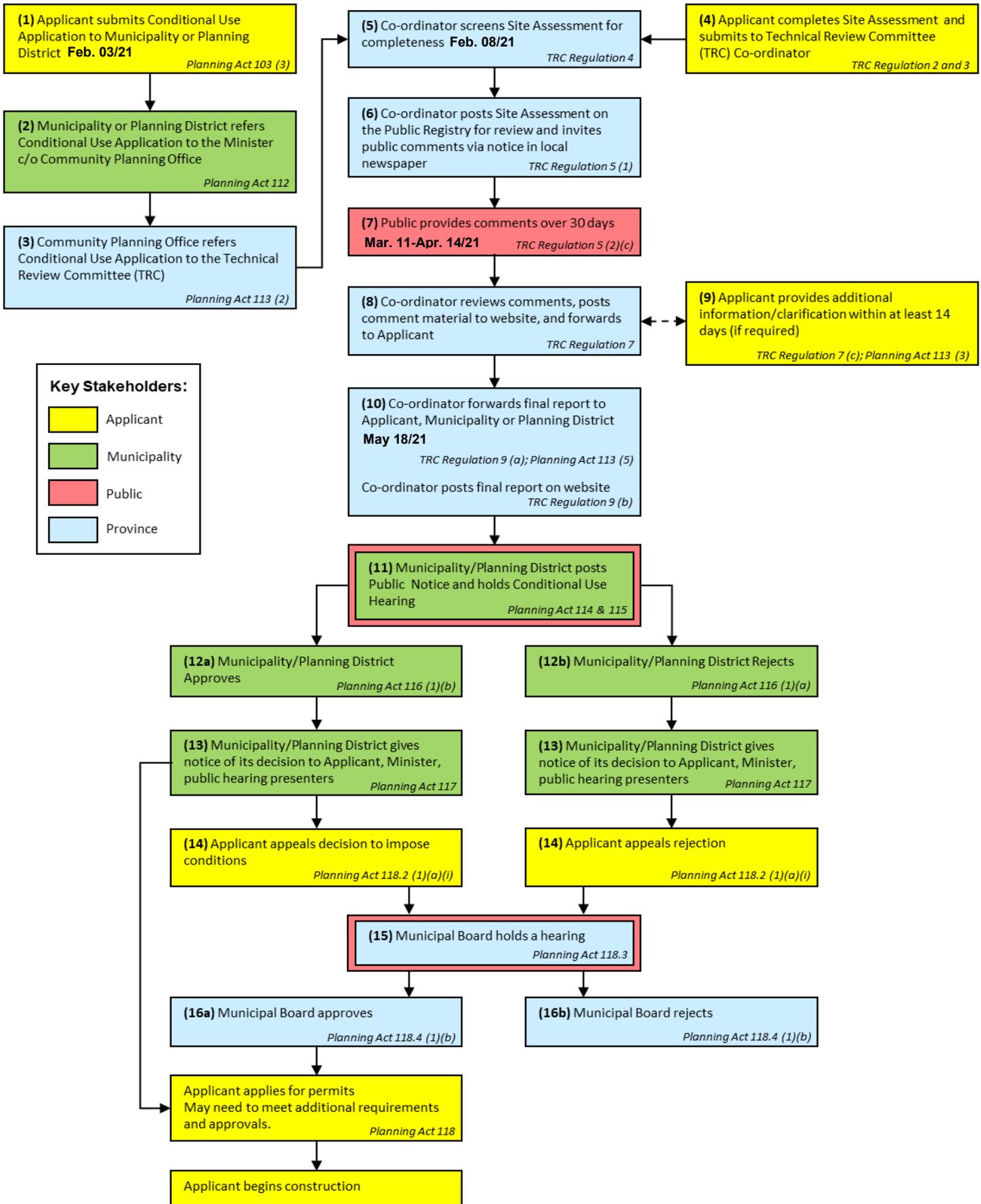
Purpose of TRC Reports

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 (November 1, 2019)



B. DESCRIPTION OF PROPOSED LIVESTOCK OPERATION

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

Applicant: Red River Genetics

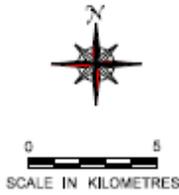
Site Location: SW ¼ 21-05-01 WPM. Refer to map below.

Proposal: To expand a pig operation from 2,000 to 3,000 sows – farrow to weanling (500 to 750 Animal Units).

This will involve the following:

- Construction of a new barn and expansion of an existing barn.
- Earthen manure storage.
- Consuming a maximum of 18,150 imperial gallons of water per day from surface water.
- Rendering mortalities.
- Truck haul routes as shown in map below.

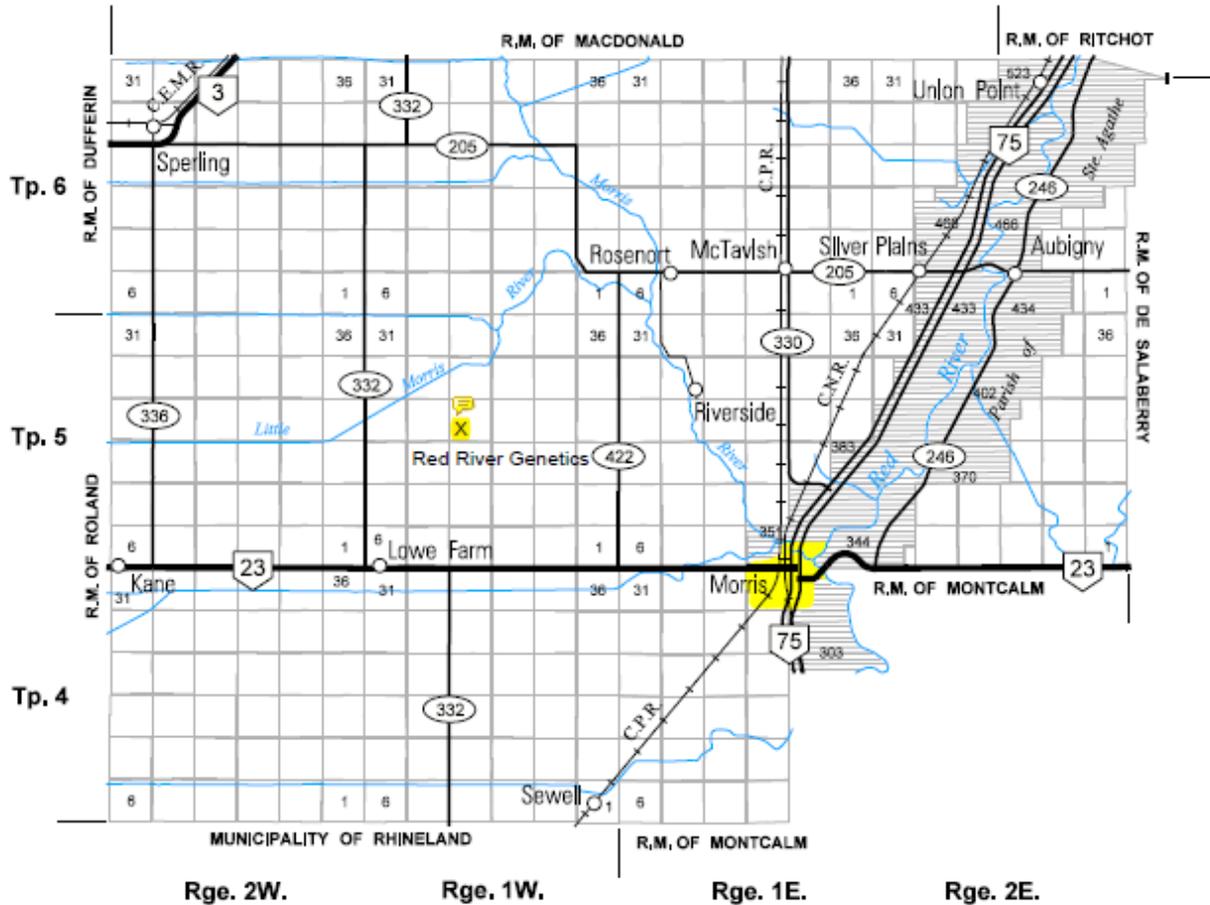
R.M. OF MORRIS

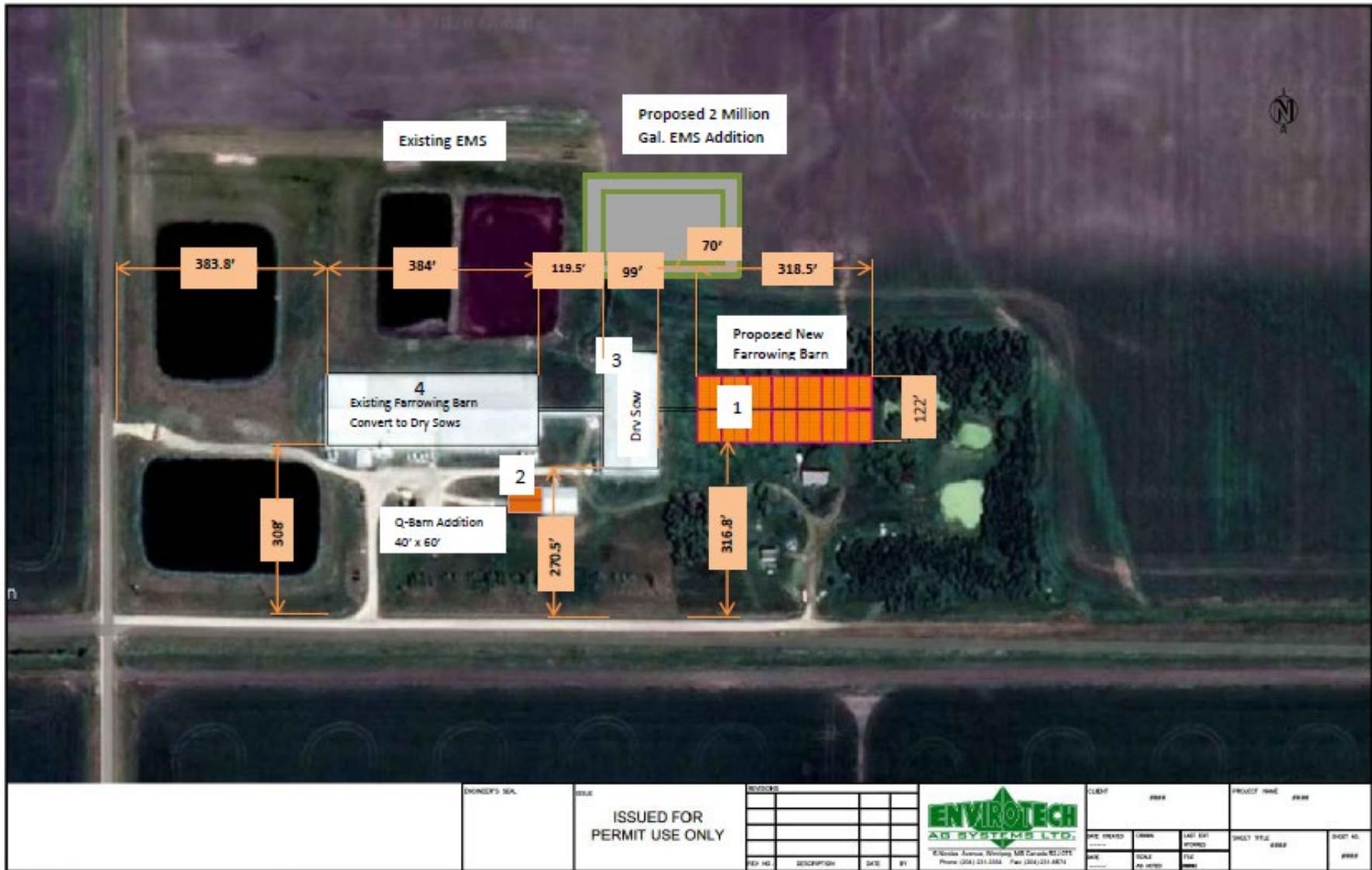


PROVINCE OF MANITOBA
INFRASTRUCTURE
HIGHWAY PLANNING AND DESIGN BRANCH
GEOGRAPHIC & RECORDS MANAGEMENT SECTION
WINNIPEG
JANUARY 1, 2015

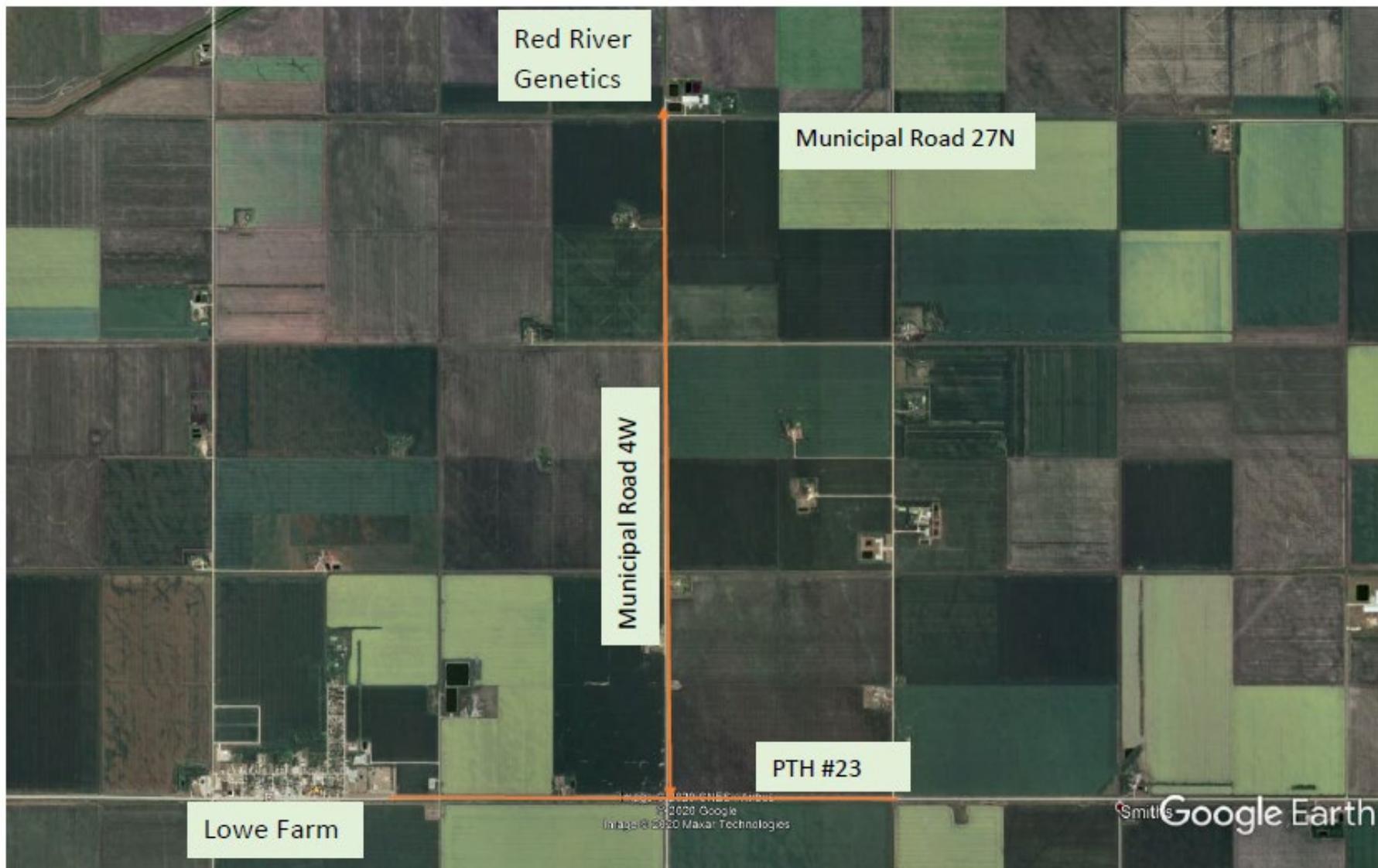
LEGEND

PROVINCIAL TRUNK HIGHWAYS		ACCESS ROADS	
PROVINCIAL ROADS		RAILWAYS	





SITE PLAN - RED RIVER GENETICS



Red River Genetics – Truck Route

C. SITE ASSESSMENT OVERVIEW

Provincial Technical Overview of TRC 12-082 – Red River Genetics				
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.	MR
2	Clearly identified the current and proposed type and number of animals and animal units	X	Red River Genetics is currently seeking Conditional Use approval to expand an existing 2,000 sow (farrow to wean) operation to 3,000 sows (farrow to wean). This is equivalent to 750 animal units (AU).	ARD ¹
3	Project clearly defined as: <u>750 AU animal confinement facility</u>	X	The project is clearly defined as an animal confinement facility. The expansion involves the renovation of the existing farrowing barn to house dry sows, the construction of a new farrowing barn and the expansion of the quarantine barn. In addition the manure storage will be expanded to accommodate the increased manure production.	CC
		X	The construction of a new farrowing barn, the renovation of the existing farrowing barn and expansion of the quarantine barn will be added to the existing operation. Both the proposed farrowing barn and the renovation of the existing farrowing barn are in excess of 6,458 sq. ft. (600 sq.m). Therefore, a building permit will be required from the Inspection and Technical Services Branch (Municipal Relations) under <i>The Building and Mobile Home Act</i> and the Manitoba Building Code. https://firecomm.gov.mb.ca/itsm_main.html	MR
4	Identified all existing and proposed buildings and structures and related separation distances	X	The identified existing and proposed buildings and structures meet the required setbacks in the “AG” Zone based on the site assessment plan.	MR
5	Demonstrated project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone	X	The project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone.	ARD ²

¹ Agri-Resource Branch

² Water Science and Watershed Management Branch

Provincial Technical Overview of TRC 12-082 – Red River Genetics

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
6	Identified suitable water source: <u>Surface water</u> and a water consumption rate of 18,150 imperial gallons per day	X	The proponent is aware that a Water Rights Application needs to be submitted for the extra water required for the expansion. If the expansion goes forward, the proponent must apply for a Water Rights Licence either through the website at <u>Conservation and Climate Province of Manitoba (gov.mb.ca)</u> or by contacting Water Use Licensing at Box 16 - 200 Saulteaux Crescent, Winnipeg MB, R3J 3W3; (204) 945-3983, or toll free at 1-800-214-6497.	CC
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, located in the SW ¼ 21-05-01WPM in the RM of Morris, is designated General Agricultural Policy Area (AG) (R.M. of Morris Development Plan By-Law No. 1712/2015) and the proposal complies with Development Policies 3.3.4 -3.3.14 (Livestock Policies).</p> <p>Zoning The proposed site is zoned “AG” Agricultural General Zone (R.M. of Morris Zoning By-law No. 1713/15) and has a minimum site area requirement of 40 acres with a minimum site width requirement of 600 feet.</p> <p>The proposed project complies with the R.M. of Morris Zoning By-law.</p>	MR

Provincial Technical Overview of TRC 12-082 – Red River Genetics

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 a surface water (Howatt Drain). The provincial water well database contains information for three wells drilled on the proposed property at SW 21-05-1W. The proposal does not identify the presence of wells on the property. Information should be provided on well location and relevant setback to the nearest manure storage and if the wells are abandoned they must be sealed.</p> <p>The water well database contains information for a well that was drilled on the spread field location (section 5-5-1W). If the well is present and in use then a minimum buffer as outlined in regulations (Environment Act Livestock Manure and Mortalities Management) must be maintained during spreading. If the well is present and not in use, it should be located and properly sealed and a sealed well report submitted the Groundwater Management Section of Agriculture and Resource Development for each well sealed. Information on well sealing and well sealing reports are available from Agriculture and Resource Development (204-945-6959) or: https://gov.mb.ca/water/groundwater/wells_groundwater/index.html. 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.</p>	ARD ³
9	Identified suitable manure storage methods	X	<p>A permit to construct the proposed manure storage facility must be obtained, prior to initiating any of the construction work, in accordance with the Livestock Manure and Mortalities Management Regulation. An application for a permit to construct the manure storage facility must be submitted to Environmental Approval Branch of Conservation and Climate (EABDirector@gov.mb.ca). Design guidelines and application forms are available at: https://www.gov.mb.ca/sd/waste_management/livestock_program/index.html.</p>	CC
10	Identified acceptable manure application methods	X	<p>The proponent must submit and adhere to a manure management plan approved for the facility per the Livestock Manure and Mortalities Management Regulation (MR 42/98).</p>	CC

³ Water Science and Watershed Management Branch

Provincial Technical Overview of TRC 12-082 – Red River Genetics

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
11	Mortalities disposal methods identified as rendering.	X	The proponent has indicated that mortalities will be dealt with by rendering. This is considered acceptable under the Livestock Manure and Mortalities Management Regulation. More specific information is included in the Livestock Manure and Mortalities Management Regulation and at: https://www.gov.mb.ca/sd/waste_management/livestock_program/index.html .	CC
12	Proposed suitable setback distances from water and property lines for manure, livestock and mortalities	X	The proponent indicated that all setback distances meet minimum requirements set out in the Livestock Manure and Mortalities Management Regulation MR 42/98.	CC
13	Indicated if proposed project site is within designated flood area or is otherwise at risk of flooding	X	This site is within the Red River Valley Designated Flood Area and subject to Section 17 of the <i>Water Resources Administration Act</i> and the Designated Flood Area Regulation. All structures within the Red River Valley Designated Flood Area must meet certain requirements for minimum elevations of flood protection measures. Please contact Water Management, Planning, and Standards at MITWaterReview@gov.mb.ca or 204-945-2121 for further information on the permitting process and site specific Flood Protection Levels.	MI
14	Proposed acceptable odour control measures	X	The proponent has indicated that there is an existing shelterbelt. 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.	ARD ⁴
		X	Section 116(1) of <i>The Planning Act</i> allows municipal councils to require a manure storage cover and the planting of a shelter belt as a condition of approval. <u>Note:</u> The proponent indicates that there is an existing shelterbelt.	MR

⁴ Agri-Resource Branch

Provincial Technical Overview of TRC 12-082 – Red River Genetics

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
15	Proposed sufficient and suitable land for manure spreading with minimum setbacks from water sources	X	The required land base for Red River Genetics is 1,005 acres. Red River Genetics has exceeded the land requirement by demonstrating that they have access to 2,288 suitable acres. Additional information is provided in Appendix A.	ARD⁵
		X	During manure spreading, setback distances to all groundwater and surface water features as prescribed under the Livestock Manure and Mortalities Management Regulation should be considered as a minimum distance.	CC
16	Indicated if spread fields are located in the Red River Valley Special Management Area or any other regularly inundated area	X	The proponent has indicated that some of the spread fields are located within the Red River Valley Special Management Area or another regularly inundated area and as such fall manure applications (September 10 – November 10) to tilled land must be injected or incorporated within 48 hours.	CC
17	Proposed spread fields that meet development plan and zoning by-law requirements	X	<p>The operation is designated General Agricultural (Development Plan By-law No. 1712/15) and complies with Livestock Policies 3.3.4 - 3.3.14.</p> <p>The proposed site is zoned “AG” Agricultural General Zone. The spread fields meet the minimum zoning by-law requirements in the “AG” zone for the earthen manure storage facility and animal confinement facility set back requirement to a residence/dwelling and designated area.</p>	MR

⁵ Agri-Resource Branch

Provincial Technical Overview of TRC 12-082 – Red River Genetics

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
18	Proposed acceptable manure transportation methods	X	The transport of livestock manure is subject to Section 9 of the Livestock Manure and Mortalities Management Regulation. The proponent has indicated a dragline will be used as means of manure transportation. This is considered acceptable under the Livestock Manure and Mortalities Management Regulation.	CC
		X	<p>Please be advised that any structures placed within the controlled area of PR 205, PR 332, PR 442, and PTH 23 (125 feet from the edge of the right-of-way) requires a permit from our office. The contact is Sheena del Rosario at (204) 583-2433 or Sheena.Delrosario@gov.mb.ca. The placements of temporary drag lines or any other temporary machinery/equipment for manure application within the right-of-way of PR 205, PR 332, PR 442, and PTH 23 requires permission from our regional office in Portage. Please contact the Regional Planning Technologist, Denise Stairs at (204) 871-2239 or Denise.Stairs@gov.mb.ca.</p> <p>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 205, PR 332, PR 442, and PTH 23 (125 feet from the edge of the right-of-way).</p>	MI
19	Identified suitable trucking routes and access points	X	The proposed truck haul route utilizes a Government Road Allowance connecting onto PTH 23. We do not anticipate any significant increase in use.	MI
20	Identified proposed trucking routes – local roads	X	<p>The proposed site is accessed by municipal road 4W, four miles north of PTH 23.</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>	MR

Provincial Technical Overview of TRC 12-082 – Red River Genetics

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
21	Known rare species will not be impacted on new sites/lands		The information provided in the assessment suggest that there will not be any conflicts with species protected under the <i>Endangered Species and Ecosystems Act</i> and/or <i>Species at Risk Act</i> , or designated as rare or uncommon by the Manitoba Conservation Data Centre (MBCDC). This review is based on existing data known to the MBCDC of the Wildlife and Fisheries 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.	ARD ⁶

Provincial Departments: Agriculture and Resource Development (ARD), Conservation and Climate (CC), Infrastructure (MI), Municipal Relations (MR)

⁶ Wildlife and Fisheries Branch

D. PUBLIC COMMENTS AND DISPOSITIONS

Public Comment Summary	
Mildred Dickson RM of Morris	CONCERNED Commenter expressed concern about the impact of proposed truck traffic on PR 422 and requests that the operation is relocated to an alternate site.

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(1) 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 Morden 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) 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 and total animal units 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 Morden Community Planning Office), and
 - c) every person who made representation at the hearing.
4. 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(2)(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.
5. 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 Conservation and Climate, 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 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.
- 2. 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
Erin McCleery	Municipal Relations	Senior Planner <i>Community Planning Branch</i>	204-945-1143
Petra Loro	Agriculture and Resource Development	Agri-Ecosystems Specialist – Livestock Environment <i>Lands Branch</i>	204-918-0325
Barsha Sagan	Conservation and Climate	Environmental Engineer <i>Environmental Approvals</i>	204-795-7175
Jeff DiNella	Infrastructure	Senior Development Review Technologist <i>Highway Planning and Design Branch</i>	204-945-2664

Appendix A

Lands Branch ARD – Land Assessment

Red River Genetics has met the land requirements for 3,000 sows (farrow to wean) as follows:

In areas of lower livestock intensity such as the RM of Morris, 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 in the region to balance manure phosphorus with crop phosphorus removal, should it be necessary in the future.

Typical, modern feeding practices for pig production were used to estimate nutrient excretion for Red River Genetics. Realistic, long-term 10-year crop yields from the Manitoba Agricultural Services Corporation (MASC) for the RM of Morris were used to estimate crop nitrogen uptake and phosphorus removal rates for the crop rotation specified in the proposal.

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. Reconnaissance soil survey is available to determine the agriculture capability of the land. The agriculture capability of the land with soil tests included in the proposal is primarily Class 2 and 3 (prime agricultural land). The main limitations are wetness (W) and salinity (N).

The required land base for Red River Genetics is 1,005 acres. Red River Genetics has exceeded the land requirement by demonstrating that they have access to 2,288 suitable acres.

Water Branch ARD

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 is planning to apply manure in fall. Applying manure by injection reduces risk of nutrient loss to waters compared to broadcast applications.

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 partial injection that will reduce N losses compared to broadcast application methods.

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 and groundwater.

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 (P balance). 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 2,010 acres may be required for the long-term environmental sustainability of the operation. The proponent has identified 2,288 acres for manure application. Application to meet crop N requirements is estimated to use 717 acres. Application at 2 times the crop removal of P is estimated to use 1,005 acres (2,010 acres is estimated to achieve P balance [phosphorus removal equal to phosphorus application] with current crop choices and yield potential).

As phosphorus, levels build up in soils, the concentration of phosphorus in runoff to surface waters increases. It is important to rotate manure application across all spread fields and whenever possible focus manure applications on fields with low Olsen-P soil test levels so as to 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.

Appendix B – Proponent Response

Red River Genetics Ltd.

Drive, P.O. Box 640 349 Bronstone Drive, Niverville, Manitoba CANADA R0A 1E0

May 17, 2021

Technical Review Co-ordination Unit
Municipal Relations
604-800 Portage Ave.
Winnipeg, MB.

RE: response to letter of concern from Mildred Dickson

Thank You for taking the time to write a letter voicing your concern of what is going on in your neighborhood.

In response to your wish that we could perhaps find some other land for our project I would simply say that our farm has been operating in the Lowe Farm area since 1996, we purchased the farm in 2006 so we have been in the area for quite some time already. So for us to find another area is not a practical solution.

Our application for an expansion is a reflection of the times in which we live and operate. As I'm sure you can appreciate times have changed and in order to operate a successful farm one must keep up with technology and efficiencies.

We take pride in our farm and being a good neighbor in the community. Our manure application is done in accordance with government regulations either on our own land or on neighboring fields and is considered to be a valuable resource.

Regards John

Nickel