



TECHNICAL REVIEW COMMITTEE

A TECHNICAL REVIEW REPORT

PREPARED FOR

**THE MUNICIPALITY
OF DELORAINE-WINCHESTER**

HYLIFE – MAKERS MARK

SE 1/4 17-02-23 WPM

TRC 12-090

April 20, 2022

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

Natural Resources and Northern Development (NRND)

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

Environment, Climate and Parks (ECP)

- 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 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

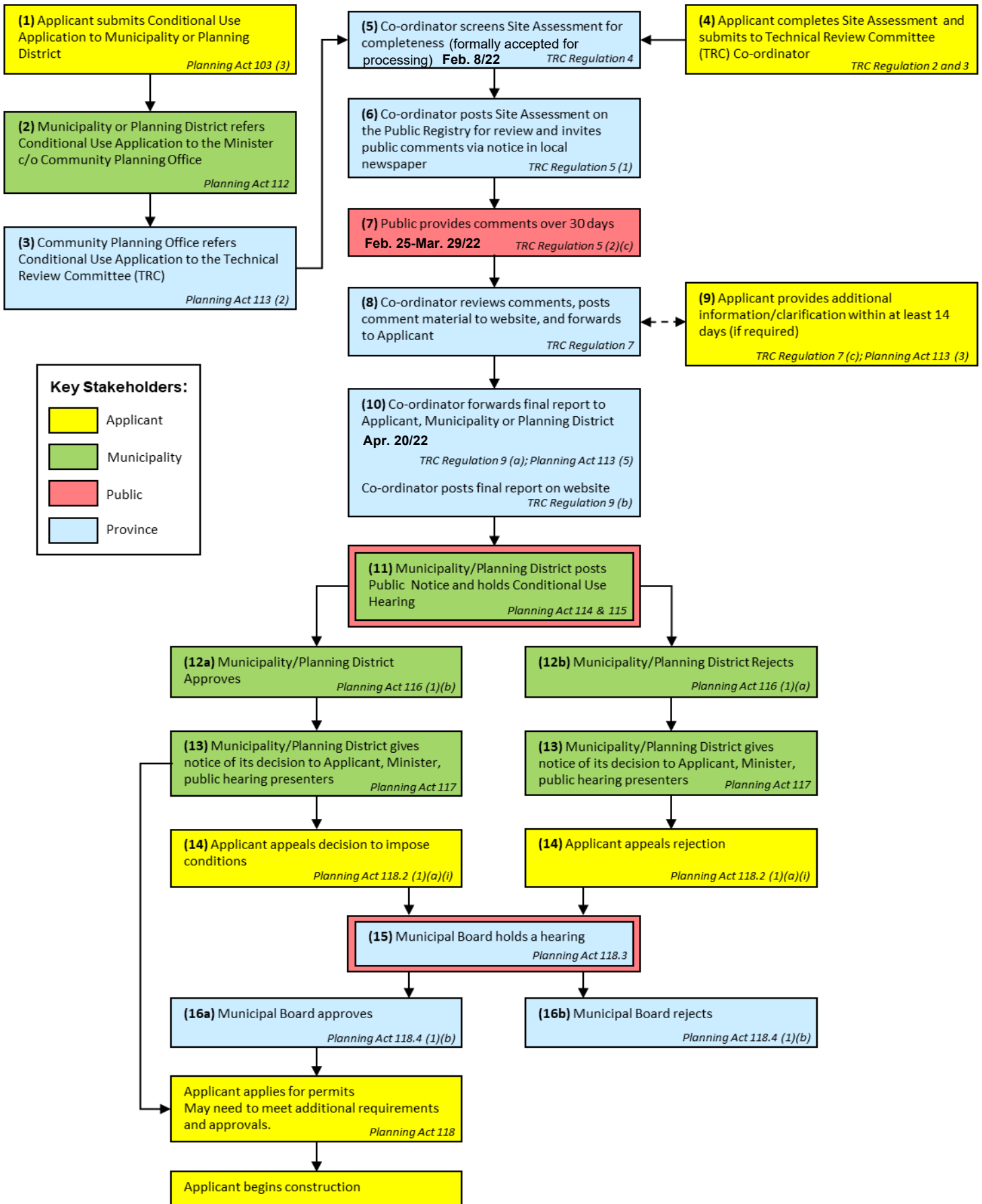
To provide objective, credible, technically-based assessments that:

- 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: Hylife

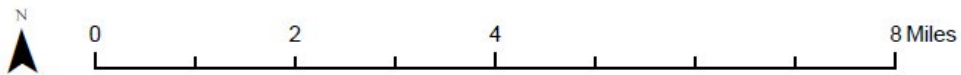
Site Location: SE ¼ 17-02-23 WPM. Refer to map below.

Proposal: To establish a pig operation involving 3,750 Weanlings, Nursery (124 Animal Units) and 7,600 Growers/Finishers (1,087 Animal Units) totalling 1,211 Animal Units.

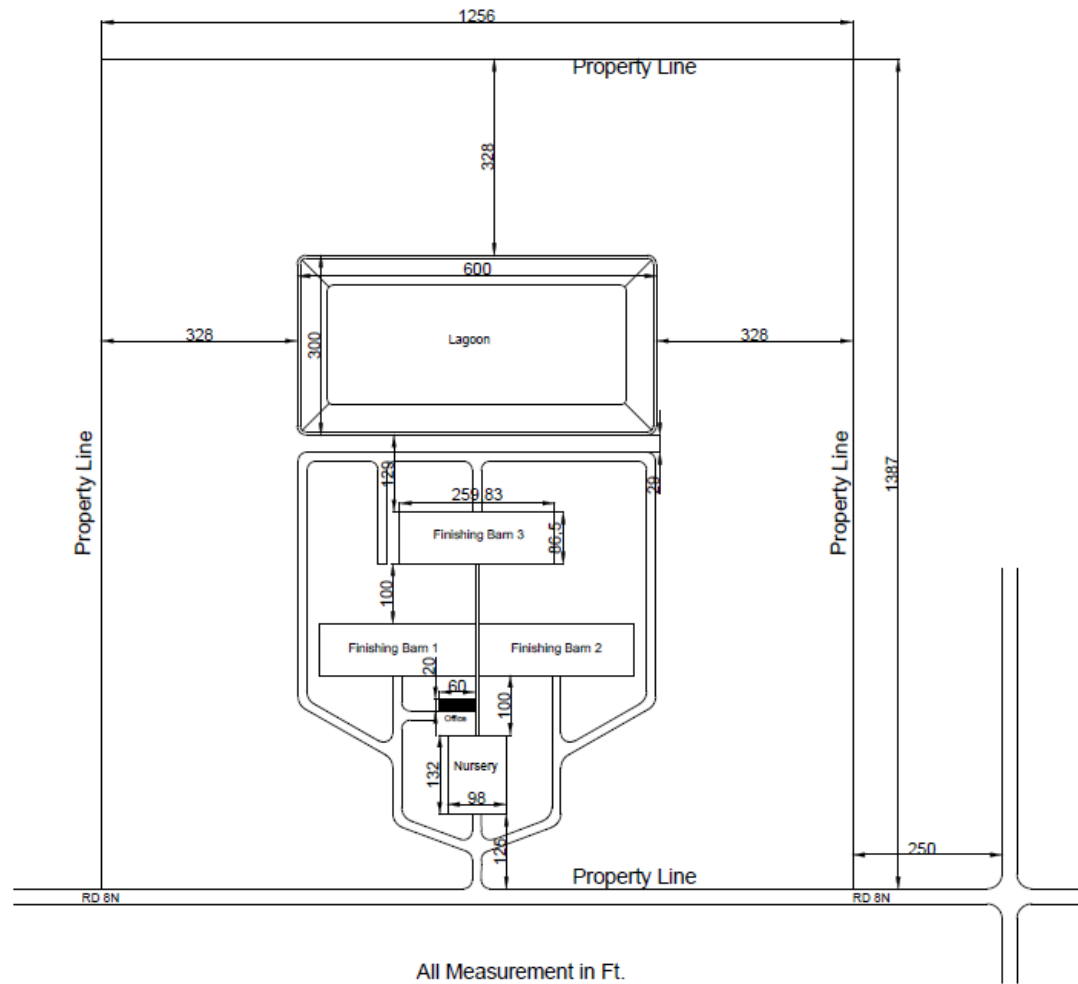
This will involve the following:

- Construction of four new barns.
- Earthen manure storage.
- Consuming a maximum of 20,485 imperial gallons of water per day from a proposed well.
- Rendering mortalities.
- Truck haul routes as shown in map below.

RM Deloraine-Winchester Proposed Site Map



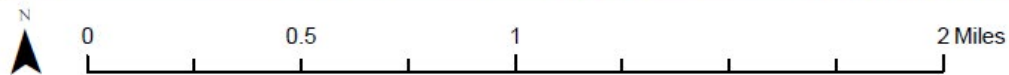
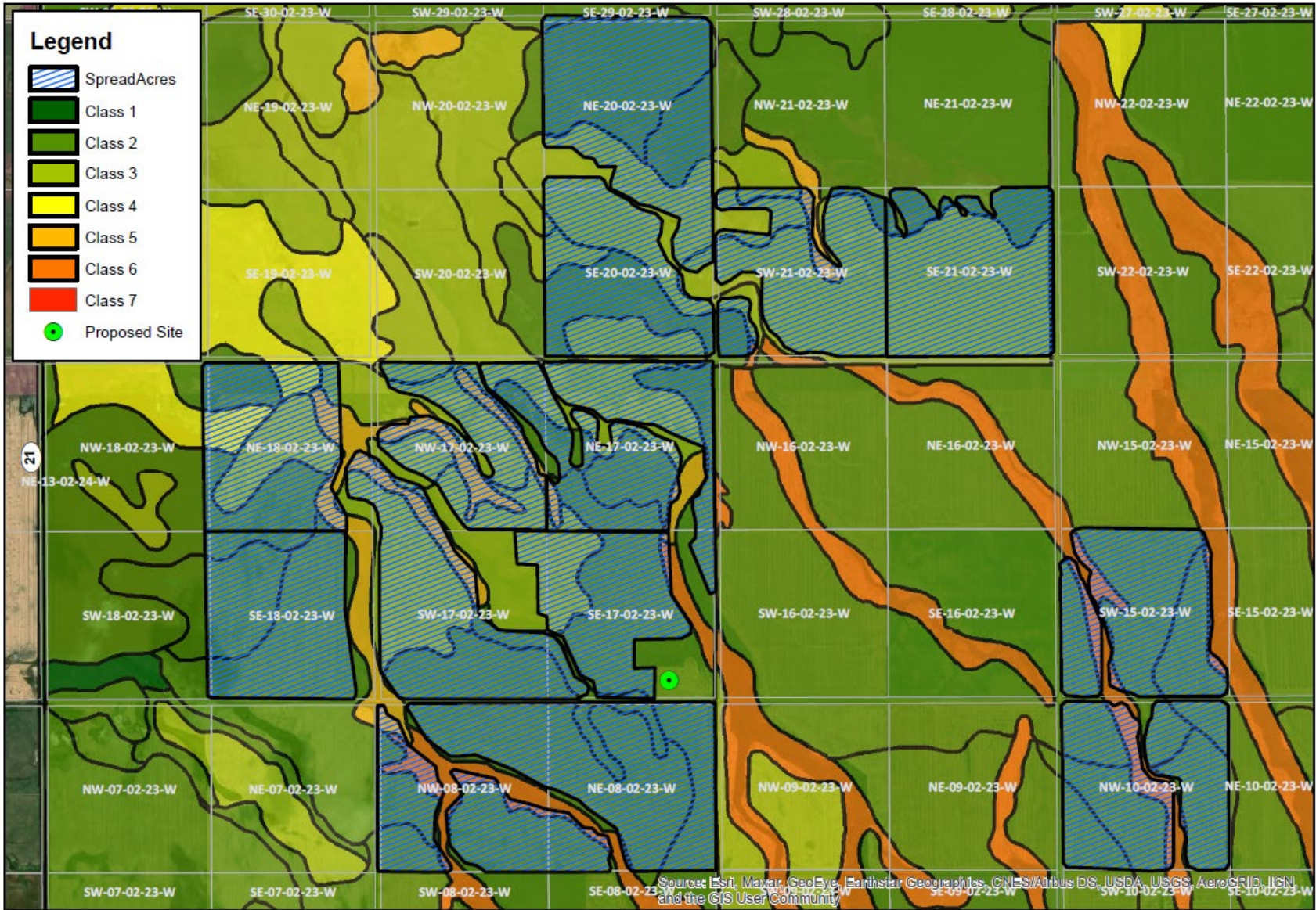
 **HYLIFE**[™] Prepared by:
Kieran Hamm
Nutrient Management Coordinator
HyLife Ltd.



Site name:
New Multiplier Site

Location:

Proposed Site - Spread Field

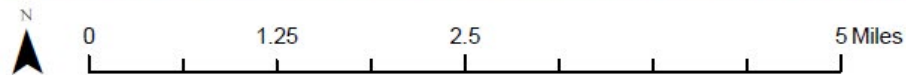


Prepared by:
Kieran Hamm
Nutrient Management Coordinator
HyLife Ltd.

Proposed Site - Truck Haul Route



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Prepared by:
Kieran Hamm
Nutrient Management Coordinator
HyLife Ltd.

C. SITE ASSESSMENT OVERVIEW

Provincial Technical Overview of TRC 12-090 – Hylife Makers Mark				
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	HyLife Makers Mark is currently seeking Conditional Use approval to build a 1211 animal unit (AU) pig operation containing 3750 nursery pigs and 7600 feeder pigs.	AGR
3	Project clearly defined as:	X	1211 AU	ECP
	<u>animal confinement facility</u>	X	One (1) weanling, nursery barn (12,936 sq/ft in size) holding 3750 head (124 animal units) along with three (3) finisher barns (each barn is 22,475 sq/ft) holding a combined 7,600 head equal to 1087 animal units. The total combined pig operation is 11,350 head which is equal to a total of 1211 animal units. One cell earthen manure storage facility is proposed to serve all 4 barns.	MR
4	Identified all existing and proposed buildings and structures and related separation distances	X	Proposed livestock confinement and earthen manure storage facilities meet the RM of Winchester Zoning By-law No. 92-030 minimum required separation requirements between unrelated residences and designated areas and the facilities of this existing livestock operation.	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.	ECP
6	Identified suitable water source: Proposed well and a water consumption rate of <u>20,485</u> imperial gallons per day	X	Based on the water consumption information provided, this proponent is required to apply for a Water Rights Licence under The Water Rights Act. An application can be submitted via our online portal – www.manitoba.ca/waterlicensingportal Authorization is required prior to any well being drilled to supply this project.	ECP

Provincial Technical Overview of TRC 12-090 – Hylife Makers Mark

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
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 on a 40 acre parcel in the SE ¼ 17-02-23WPM in the Municipality of Deloraine-Winchester, is designated AGRICULTURAL POLICY AREA (Southwest Planning District Development Plan By-law No. 1-2021) and the proposal complies with Development Policies PART 4, Section 4.2.1.1(Livestock Operation Policies).</p> <p>Zoning The proposed site is zoned “AG” Agricultural (General) Zone (RM of Winchester Zoning By-law No. 92-030) and has a minimum site area requirement of 10 acres with a minimum site width requirement of 200 feet for a livestock operation.</p> <p>The proposed project complies with the minimum requirements of the RM of Winchester Zoning By-law.</p>	MR

Provincial Technical Overview of TRC 12-090 – Hylife Makers Mark

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 proposed new well at SE17-2-23W. The proposal indicates no abandoned wells present on the site or spread fields, however the provincial water well database indicates that there are wells present within the proposed spread field locations at SE17-2-23W-10-2W & SE20-2-23W. If any of these wells are in use then a minimum buffer as outlined in regulations must be maintained during spreading. These wells should be located and properly sealed if they are still present and not in use and a sealed well report must be filed with the Groundwater Management Section of MB Environment, Climate and Parks. Information on well sealing and well sealing reports are available from MB Environment, Climate and Parks (204-945-6959) or: https://www.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> <p>For a proposed new well, The Well Standards Regulation under the <i>Groundwater and Water Well Act</i> (https://web2.gov.mb.ca/laws/statutes/ccsm/g110e.php) should be consulted. The regulation requires a minimum 100 metre separation distance between a well and confined livestock areas or manure storage facilities.</p> <p>During manure spreading, the set back distances to all groundwater features as prescribed under the Environment Act Livestock Manure and Mortalities Management Regulation should be considered as a minimum distance.</p>	ECP
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 Environment Climate and Parks (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>	ECP
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>	ECP
11	Mortalities disposal methods identified: Rendering	X	<p>The proponent has indicated that mortalities for hog operation will be rendered. This is considered acceptable under the Livestock Manure and Mortalities Management Regulation.</p>	ECP

Provincial Technical Overview of TRC 12-090 – Hylife Makers Mark

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 proponent indicated all setback distances meet minimum requirements set out in the Livestock Manure and Mortalities Management Regulation MR 42/98.	ECP
13	Indicated if proposed project site is within designated flood area or is otherwise at risk of flooding	X	There is no known risk of flooding in this location.	MTI
14	Proposed acceptable odour control measures	X	The proponent has indicated that a shelterbelt will be established. 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	A shelterbelt is proposed. No information is included as to whether the shelterbelt will be around the earthen manure storage facility and/or the entire facility.	MR
15	Proposed sufficient and suitable land for manure spreading with minimum setbacks from water sources	X	The required land base for Makers Mark is 1679 acres. Makers Mark has satisfied the land requirement by demonstrating that they have access to 1958 suitable acres. Additional details are in Appendix A.	AGR
		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.	ECP
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 no spread fields are located within the Red River Valley Special Management Area or any other regularly inundated area.	ECP

Provincial Technical Overview of TRC 12-090 – Hylife Makers Mark

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
17	Proposed spread fields that meet development plan and zoning by-law requirements	X	<p>All lands identified for manure spreading are designated “AGRICULTURAL POLICY AREA” and zoned “AG” Agricultural (General) Zone.</p> <p>Said land use designation and municipal zoning district (above) allow spreading of manure associated with newly siting and/or expanding livestock operations.</p>	MR
18	Proposed acceptable manure transportation methods	X	<p>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 for liquid manure from the existing hog operation. This is considered acceptable under the Livestock Manure and Mortalities Management Regulation.</p>	ECP
			<p>Please be advised that any structures placed within the controlled area of PTH 21 or any Provincial Truck Highway (PTH) or any Provincial Road (PR) (125 feet from the edge of the highway 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 PTH 21 or any PTH or PR requires permission from our regional office in Brandon. Please contact the Regional Planning Technologist, Brian Hickman at (204) 726-6822 or Brian.Hickman@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 21 or any PTH and PR (125 feet from the edge of the right-of-way).</p>	MTI
19	Identified suitable trucking routes and access points	X	<p><u>The primary proposed truck haul route will utilize an existing municipal road connecting onto PTH 21.</u> <u>We don't anticipate a significant increase in use.</u></p>	MTI
20	Identified proposed trucking routes – local roads	X	<p>The proposed site is accessed by municipal road with the primary truck haul route extending west approximately 2 miles from the proposed barn site to PTH No. 21. A secondary truck route extends approximately 1 mile east of the proposed barn on a municipal road then turning north on a municipal road for approximately 4 miles intersecting with P.T. H. No. 3.</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 12-090 – Hylife Makers Mark

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
21	Known rare species will not be impacted on new sites/lands	X	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 Fish and 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.	NRND

Provincial Departments: Agriculture (AGR); Environment, Climate and Parks (ECP); Transportation and Infrastructure (MTI); Municipal Relations (MR)

D. PUBLIC COMMENTS AND DISPOSITIONS

Public Comment Summary	
James and Tammy Olson	<p>Commenters own property 1 mile from site. Concerns:</p> <ul style="list-style-type: none"> • Smell. • Impact of proposed operation on Deloraine's water supply. • Feels proposed operation will have a negative impact on the community, and that majority of residents oppose the proposal.
Darlene and Grant Lesy	<p>Concerns:</p> <ul style="list-style-type: none"> • Smell impacting airport, medical personnel, leisure. • Increased truck traffic. • Water table contamination. • Will not create enough local employment or tax revenue to make the proposal worthwhile. • Feels people in surrounding area are not in favour.
Doreen and Donald Alan Vanhove	<p>Concerned about the smell ruining outdoor times.</p>
Jarrett Hobbs	<p>Concerns:</p> <ul style="list-style-type: none"> • Water quality and run off issues. • There are waterways not shown in application maps. • Concerned the land would not absorb a lot of the injected manure due to hills and salinity.
Linda VanMackelberg	<p>Concerns:</p> <ul style="list-style-type: none"> • Smell. • Negative impact of surrounding property values. • Increased need for road maintenance. • Not convinced tax revenue generated will lead to substantial contribution to the community. • Employment will be minimal and will not be enough to be of economic benefit to the community.
Jan Weidenhamer Deloraine, MB.	<p>In support:</p> <ul style="list-style-type: none"> • Deloraine has been in decline for many years and this progress will make way for further business ventures.
Maurice Lesy	<p>Concerns:</p> <ul style="list-style-type: none"> • Too close to the town of Deloraine. • Too many pigs. • Thinks the municipality made a resolution to restrict pig barns in this area. • Wondering if Hylife will help pay for upkeep of roads. • Commenter wonders if waste from operation would wash into town during flooding events. • Anticipates they would not hire locally. • Smell.
Judy Morningstar Box 820 Deloraine, MB.	<p>Commenter's farm is about 3 miles from proposed site; son's home is closer.</p> <p>Concerns:</p> <ul style="list-style-type: none"> • Concerned dike around lagoon will not hold in heavy precipitation events. • Smell. • Not convinced shelterbelt will adequately mitigate smell.

David Day Deloraine, MB.	<p>Commenter farms north of Deloraine and is a proponent of expanding the hog industry in rural Manitoba. In support:</p> <ul style="list-style-type: none"> • We need hog barns within the municipality as there are numerous benefits. • Believes new technology will decrease the smell. • There will be an increase in job creation leading to spinoff benefits such as cultural benefits, increased grocery and gas sales, construction, medical services, schools, churches, etc. • Nutrients from hog manure can be used to as a fertilizer for grain crops.
Julie and Cal Gervin Goodlands, MB.	<p>Concerns:</p> <ul style="list-style-type: none"> • Air quality. • Reduction of property values.
Larry Black	<p>Strong majority of Deloraine Flying club membership is opposed to proposal.</p> <p>Concerns:</p> <ul style="list-style-type: none"> • Odour, especially on days with southerly winds and days when manure is being spread. • Negative impact on the club's outdoor Fly-In-Breakfast fundraiser.
Ken and Doreen McMorris	<p>Concerns:</p> <ul style="list-style-type: none"> • Too close to the town of Deloraine. The Deloraine Golf Club, the Deloraine Reservoir and Airport will be negatively impacted, particularly on days with southwest winds. • Too close to Deloraine Cemetery. • New homes have recently been built in the area. Property values could be negatively impacted. • Water supply. • Impact on gravel roads in the area.
Ginny Andries	<p>Commenter lives and farms 1 ½ miles from proposed operation. Concerns:</p> <ul style="list-style-type: none"> • Smell. • Decreased land values. • Negative impact on nearby airport.
Steve Andries	<p>Concerns:</p> <ul style="list-style-type: none"> • Proposed operation is too close to a number of residences with generational hobby farms in an area and community with a declining population. • There are three houses within 2.5 km of site. Concerned about impact of odour on these residences and other nearby facilities such as golf course, dam, town and cottage area, hunting cabins, wildlife and snowmobile trail. • Commenter runs a sport horse training facility with an outdoor riding facility which will be directly affected. • Negative impact on resale value of acreage. • Commenter owns conservation land and is concerned about impacts on flora and fauna, and endangered or threatened species. • Negative impact on roads due to increase of heavy truck traffic in an area where there is already struggle to adequately maintain roads. • Little benefit to proposed operation as the municipality will get small contribution of tax money and the town, neighbours, airport, golf course and dam will suffer. • Doubts about ability of operators to look after that many pigs.
Linda and Barry Hartel	<p>Concerns:</p> <ul style="list-style-type: none"> • Too close to town of Deloraine and airport. • South winds are common and will blow smell from operation into the town. • Owners don't live in the municipality.
Michelle Velcaine	<p>Concerns:</p> <ul style="list-style-type: none"> • Too close to the town of Deloraine. • Feels it will create health risks like asthma, lung and eye issues.

	<ul style="list-style-type: none"> Contamination related to spraying nitrogen-rich liquid waste.
Richard and Veronika Gilson	<p>Concerns:</p> <ul style="list-style-type: none"> Province may overturn local decision. Increased wear and tear on municipal roads from increased use of semi tractor trailers. Environmental concerns. Water supply. Could there be seepage in earthen manure storage facility? What will happen if there is overflow, would it reach community, and how would flora and fauna be affected? Air quality – shelterbelt plan is not sufficient as it takes years for trees to grow. Decreased air quality would negatively affect residents and community mental health and wildlife.
Richard McGregor Deloraine, MB.	<p>Concerns:</p> <ul style="list-style-type: none"> Location is too close to town of Deloraine. Environmental concerns. Drainage – concerned about towns that are down river. Air pollution. Erosion related to manure injection. Water table contamination.
Raymond and Donna Todd Deloraine, MB.	<p>Concerns:</p> <ul style="list-style-type: none"> Impact on town's water supply. There was a well on this site, has it been sealed? Roads. Manure storage. Impact of odour on local community and tourism. Runoff. Not convinced it will be an economic benefit.
Leonard Schoonbairt	<p>Concerned about smell on their land and impact to golf course and entire community as well as ground water.</p>
Lorna Schoonbairt Deloraine, MB.	<p>Commenter owns land nearby. Concerns:</p> <ul style="list-style-type: none"> People hunt, bike, hike and ski-doo. This will be spoiled by awful smell. Feels golf course members and visitors and whole community would be opposed to this operation. Soil and ground water contamination. Deter people from retiring in Deloraine.
Lu Andries	<p>Concerns:</p> <ul style="list-style-type: none"> Proposed operation is too close to a number of residences with generational hobby farms in an area and community with a declining population. There are three houses within 2.5 km of site. Concerned about impact of odour on these residences and other nearby facilities such as golf course, dam, town and cottage area, hunting cabins, wildlife and snowmobile trail. Commenter runs a sport horse training facility with an outdoor riding facility which will be directly affected. Negative impact on resale value of acreage. Commenter owns conservation land and is concerned about impacts on flora and fauna, and endangered or threatened species. Negative impact on roads due to increase of heavy truck traffic in an area where there is already struggle to adequately maintain roads. Little benefit to proposed operation as the municipality will get small contribution of tax money and the town, neighbours, airport, golf course and dam will suffer. Doubts about ability of operators to look after that many pigs.

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 Brandon 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 Brandon 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 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 Environment, Climate and Parks, 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 <i>Branch</i>	Contact
Erin McCleery	Municipal Relations	Manager, Winnipeg Office <i>Community Planning and Development Branch</i>	204-945-1143
Petra Loro	Agriculture	Livestock Environment Specialist <i>Agri-Resource Branch</i>	204-918-0325
Barsha Sagan	Environment, Climate and Parks	Environmental Engineer <i>Environmental Approvals Branch</i>	204-795-7175
Jeff DiNella	Transportation and Infrastructure	Senior Development Review Technologist <i>Highway Planning and Design Branch</i>	204-945-2664

Appendix A

Land Use and Ecosystem Resilience Branch – Agriculture

Makers Mark has met the land requirements for 3750 nursery and 7600 feeder pigs (1211 AU) as follows:

In areas of lower livestock intensity such as the RM of Deloraine-Winchester, 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 Makers Mark. Realistic, long-term 10-year crop yields from the Manitoba Agricultural Services Corporation (MASC) for Risk Area 2 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. Semi-detailed soil survey is available to determine the agriculture capability of the land. The agriculture capability of the land included in the proposal is primarily Class 2 and 3 with some areas of Class 4. The limitations include wetness (W), lack of moisture (M), slope (T), erosion (E) and density (D).

The required land base for Makers Mark is 1679 acres. Makers Mark has satisfied the land requirement by demonstrating that they have access to 1958 suitable acres.

Water Science and Watershed Management Branch – Environment, Climate and Parks

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 partial injection which reduces the risk to surface water when compared to surface broadcast alone.

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 which will reduce N losses compared to broadcast application.

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. Many agricultural soils in Manitoba, especially areas with low livestock intensity (such as the RM of Deloraine-

Winchester), are considered phosphorus deficient and therefore, manure is an ideal fertilizer to support crop production. However, manure application can increase soil phosphorus over time and other spread fields may need to be added to prevent excessive soil phosphorus build up. As excess phosphorus levels build up in soils, greater losses occur to surface and ground water. It should be noted that Olsen soil-test phosphorus levels of 60 ppm are well above phosphorus needs for most crops (over 20 ppm is usually considered agronomically very high). In areas of lower livestock intensity such as the RM of Deloraine-Winchester, 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 for long-term sustainability. To remain environmentally sustainable over a long-term planning horizon of 25 years or more the proponent acknowledges that 3,357 acres may be required for the operation. The proponent has identified 1,958 acres for manure application at this time. Application to meet crop N requirements is estimated to use 1,515 acres. Application at 2 times the crop removal of P is estimated to use 1,679 acres (3,357 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.

The soil test reports indicate elevated soil salinity on NE 20-2-23 W1 and the soil maps indicate potentially saline areas in SW 21-2-23W1, NE 17-2-23W1, and NE 18-2-23W1. Saline areas generally have reduced yields and are therefore prone to nutrient buildup when manure (or fertilizer) is applied at the same rate as more productive parts of the field. Saline areas that are less productive should be monitored for nutrient buildup.

Appendix B – Proponent Response



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April 5, 2022

Technical Review Co-ordination Unit
Municipal Relations,
Room 604 - 800 Portage Avenue,
Winnipeg, MB, R3G 0N4

Attn: Erin McCleery, TRC Coordinator

Re: File Nos. TRC -12-090 (HyLife Makers Mark)

HyLife would like to acknowledge the concerns raised by residents regarding our proposed Makers Mark pork production operation on SE-17-02-23-WPM in the Municipality of Deloraine-Winchester. We respect their views and thank them for their time to comment in the Technical Review Committee's (TRC) public review process. In acknowledgement of the potential for public concerns related to this and other proposed developments in the municipality of Deloraine-Winchester, HyLife hosted an open house and virtual open house to inform the public of our proposed growth in the area. We felt it important to reach out to the general public prior to making any formal application to the Municipality to better understand the concerns of local residents.

HyLife - Our Company and our Proposed Crown Royal Nursery Project

Our company's Manitoba roots date back to some 25 years when two farm families, Janzen and Vielfaure joined together to form what is now HyLife. Today, we are a vertically integrated pork producer that is headquartered in La Broquerie, Manitoba. The majority of our farm and associated operations are located in rural Manitoba.

We manage our integrated operations from "Farms to Foods" within 2 divisions. Our HyLife Farms operations oversee the raising of hogs, including genetics and production, manufacturing and supply of feed, transportation, manure nutrient management and support services. Our HyLife Foods operation oversees the manufacturing, marketing and distribution of quality pork products to both domestic and international markets.



Government Regulations, Monitoring & Enforcement

In Manitoba, a livestock producer must meet stringent development requirements and undergo a rigorous and complex development review and approval process. This process includes a mandatory provincial government technical review, public reviews, a formal public hearing and various provincial and local council approvals.

In particular, the livestock operation proposal must meet the requirements of The Planning Act, The Groundwater Protection Act, The Environment Act, (Livestock Manure and Mortalities Management Regulation) and The Water Protection Act (Nutrient Management Regulation) as well as other Provincial Acts and regulatory requirements depending on the nature and location of the proposed project.

Strict government requirements based on good science, good land use planning, professional engineering design and construction, and on-going government monitoring and enforcement protects our natural resources, the environment and the public interest.

Rural Area and Agricultural Zoning

The proposed 40-acre site is located in an area that is designated as "AGRICULTURE (GENERAL) ZONE" in The Deloraine-Winchester Municipal Zoning By-Law No. 92-030 adopted in 2016. This By-law received extensive community review and was approved by local Municipal Council and the Province of Manitoba as the overall land use planning and development guiding document for the Deloraine-Winchester Community.

Within the zoning by-law, specifically for the rural areas in the RM of Deloraine-Winchester, the overall objective is:

This zone provides for general agricultural uses and other uses related to or compatible with farming operations.

HyLife has carefully chosen the proposed site as it is located in the "Agriculture (General) Zone" and is characterized by open agricultural land and is in line with the intent set out in the Zoning By-Law. This farmland would receive manure nutrient fertilizer from the proposed operation to sustainably grow crops. Our pork production operation bio-security requirements coupled with the practical requirement for a sustainable land base to spread manure nutrients ensures the appropriate distribution of livestock operations within agricultural areas.

Local zoning and provincial regulations require minimum separation distances for the facility from property boundaries, single residences, designated land uses, wells and watercourses and designated crown lands. The proposal meets every zoning requirement and in many circumstances, exceeds the

minimum separation distance requirements of both the barn and manure storage facility. This proposal exceeds the minimum setback distance from residences.

Odour Control

At HyLife, we utilize a multi pronged approach to assist in minimizing odour and potential impacts on area neighbours. This initial step is carefully selecting appropriate sites in the agricultural area that will meet or exceed all local and Provincial setback distance requirements.

HyLife employs considerable focus on the in-barn environment to maintain cleanliness and hygiene with efficient barn design and current technology to maintain a comfortable barn temperature and airflow. This helps to keep the in-barn production of odor to a minimum and creates a positive living and working environment for our livestock and staff.

Outside, we will utilize a 3 row multi-species vegetated shelterbelt around the production facility. This will not only improve the aesthetic appearance of the site, it will also create greater lift to better dissipate and diffuse odours.

With respect to manure nutrient application, our plan is to apply manure in the fall post harvest. Manure nutrient application will be done on an anticipated 3-year rotational basis. Manure nutrients will be applied in accordance with all applicable environmental regulations and utilize industry leading technologies. Application will also employ equipment designed to incorporate manure during the application process increasing liquid absorption and reducing odour.

Our manure management plans are prepared by certified manure management planners and licensed manure applicators. Application equipment is equipped with GPS technology and manure nutrients are applied at agronomic rates in accordance with all regulations. Manure management activities are governed and enforced by Manitoba Environment, Climate and Parks.

Collectively, these in-barn and outside environmental measures and manure management practices will reduce odour from our proposed operation. Neighbours can be assured that HyLife will make best efforts to address all reasonable concerns brought to its attention. We value our reputation as a good corporate citizen in the communities in which we operate.

Water Quality - Protection of Surface Water and Groundwater

The proposed development is located within the Souris River Watershed. It is located outside of the provincially designated Red River Special Management Area that requires special flood risk mitigation measures to protect from flooding and ground and surface water pollution.

As in all cases, provincial regulations regulate all activities that have the potential to contaminate both surface and groundwater supply. Besides livestock operations, this includes urban development of cities, municipal (earthen) sewage lagoons and other treatment systems, gas stations, refuse disposal sites, many types of heavy industry, rural residential subdivisions and individual residential septic fields.

Surface and groundwater protection is provided by means of multi-layered regulations and monitoring and enforcement system. This includes location, design and construction of Professionally Engineered manure storage facilities, certification of manure applicators, strict annual soil testing, and regulating the methods and rate of fertilizer application. Provincial regulation strictly prohibits the application of manure near wells, surface watercourses or over potential aquifer recharge areas (gravel deposits, bedrock outcrops, sinkholes, etc.) The proposed development meets or exceeds all required setbacks from surface watercourses.

Manure Storage Safety

An earthen manure storage (EMS) is proposed to contain the manure from this operation. Such storage is common and an accepted method for storing and treating liquid manure. Additionally, they are used by almost every municipality and community in Manitoba to safely store and treat human waste.

Earthen manure storages have been regulated by the Province of Manitoba since 1995. A permit to construct an EMS requires a detailed geotechnical assessment of soils; a design prepared by a professional engineer; review of the design and all relevant information by Manitoba Environment, Climate and Parks prior to issuing the permit; site supervision of the construction by the responsible engineer and finally certification of the storage by the engineer when the work is completed.

The above process is required for all manure storages constructed in Manitoba.

Since the legislation was enacted in 1995 numerous hog, poultry and dairy storages have been constructed in the Province of Manitoba. This program is among the strongest legislation in North America and has an excellent record of providing safe containment of livestock manure.

As previously mentioned, setbacks are required from surface watercourses and the proposed EMS meets all setback requirements.

The design and construction standards enforced by the Province of Manitoba ensure that manure storages are designed, constructed and maintained to protect surface and groundwater resources. The Province conducts inspections and audits of manure storages during and after construction to ensure the structural integrity is being maintained. Any storages found to have experienced damage or deterioration are required to implement repairs, managed by professional engineers, to ensure the repairs and changes are done utilizing accepted engineering principles and practices.

Land Base Required to Recycle Crop Nutrients

Nutrients contained in the manure will be utilized as organic fertilizer for crop production. The organic material contained in the manure acts as a soil amendment by improving soil tilth, fertility, and water retention. Over time, increased soil organic matter content also builds a better and more stable soil structure less prone to erosion.

The manure will be applied as a fertilizer at agronomically accepted rates that will meet crop nutrient requirements. An annual manure management plan must be filed with Manitoba Environment, Climate and Parks prior to application of manure to fields. HyLife conducts soil testing to determine crop nutrient requirements and monitor soil nutrient residual values to ensure they are maintained within regulatory limits. The manure application rate is calculated using reasonable target yields, crop nutrient uptake, residual soil nutrient values and manure nutrient levels. Soil and manure nutrient contents are analysed annually.

As the manure management plans are filed with the Province annually, should a build-up of nutrients begin to occur, the Province would be alerted and require changes in the operation's manure management practices.

The land base required to sustainably support this proposed hog operation has been identified in the assessment filed with the Provincial Technical Review Committee (TRC). In fact, the manure agreements that have been signed with area producers exceed the required spread acres.

Area farmers have long realized that the manure nutrients are a valuable resource and provides a long term, sustainable crop fertilizer product. Demand for manure nutrients has increased exponentially over the past number of years as it is considered a valuable and sometimes preferred alternative for crop fertilization.

Water Consumption & Sustainable Water Supply

A new well will be developed for the Makers Mark livestock operation.

Prior to the development of a water supply that exceeds 5,500 gallons per day, a Water Rights License must be obtained through Manitoba Environment, Climate and Parks. The license process includes the assessment of the proposed use on the aquifer and other uses. Manitoba Environment, Climate and Parks establishes withdrawal rates that ensure existing users water supply will not be impacted by the new development. The local aquifer is expected to sustain all current uses as well as the proposed development without any concern.

All developments requiring a Water Rights License must comply with the annual groundwater withdrawal limit set by Manitoba Environment, Climate and Parks, Water Licensing Branch.

Traffic

There will be additional traffic daily to the proposed development with the addition of 3 new staff for the proposed Crown Royal Nursery operation. There will also be an addition of 2-3 feed trucks and 4-6 livestock trucks per week. Truck schedules are sequenced to ensure efficient traffic movement to avoid congestion within and outside of our operations.

Traffic will use PR 21 which is a provincial road maintained and under the jurisdiction of Manitoba Infrastructure to municipal road 8N utilizing approximately 2 miles of municipal road infrastructure for typical transportation activities.

Quality of Life and Property Values

We respect that existing rural-non-farm residents have chosen to reside in a designated Agricultural (General) Zone where Agriculture and livestock developments are existing or could be expected to develop in the future. As such, farm activity including crop and livestock production, fertilizer application, farm traffic, noise and farm related odours are to be expected in an agricultural area.

We believe that with mutual understanding and respect, we can both co-exist within the area and be good neighbours.

HyLife has and will continue to be a community partner in rural Manitoba and a contributor to growth and prosperity in a sustainable manner. HyLife is confident that this development is representative of these attributes and our commitment to the sustainable, positive growth within the community.

HyLife, once again would like to thank all individuals who provided comments and appreciate the opportunity to provide a response. We respect the views and opinions of all individuals and hope we have sufficiently addressed the questions and concerns that were brought forward.

Regards,



Sheldon Stott, Senior Director of Corporate Sustainability
HyLife Ltd.