



TECHNICAL REVIEW COMMITTEE

A TECHNICAL REVIEW REPORT

PREPARED FOR

**THE RURAL MUNICIPALITY
OF STE. ANNE**

RISING HOPE DAIRY INC.

NW 1/4 30-8-6 EPM

TRC 12-075

February 26, 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

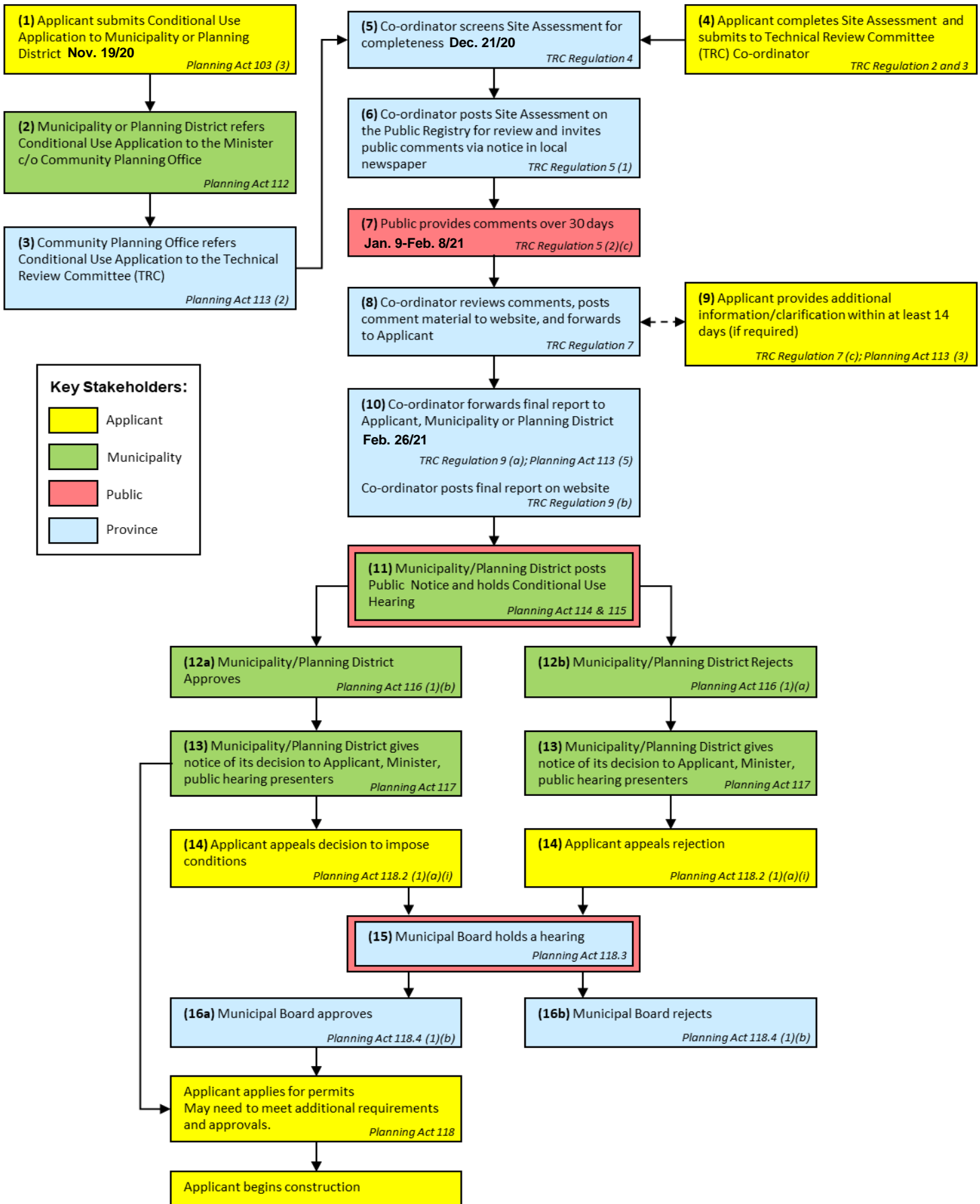
Purpose of TRC Reports

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: Rising Hope Dairy Inc.

Site Location: NW ¼ 30-8-6 EPM. Refer to map below.

Proposal: To expand an existing dairy operation from 600 to 1,800 mature cows (1,200 to 3,600 Animal Units).

This will involve the following:

- Constructing one new barn with a new milking parlour.
- Earthen manure storage.
- Consuming a maximum of 56,283 imperial gallons of water per day from an existing well.
- Composting mortalities.
- Truck haul routes as shown in map below.



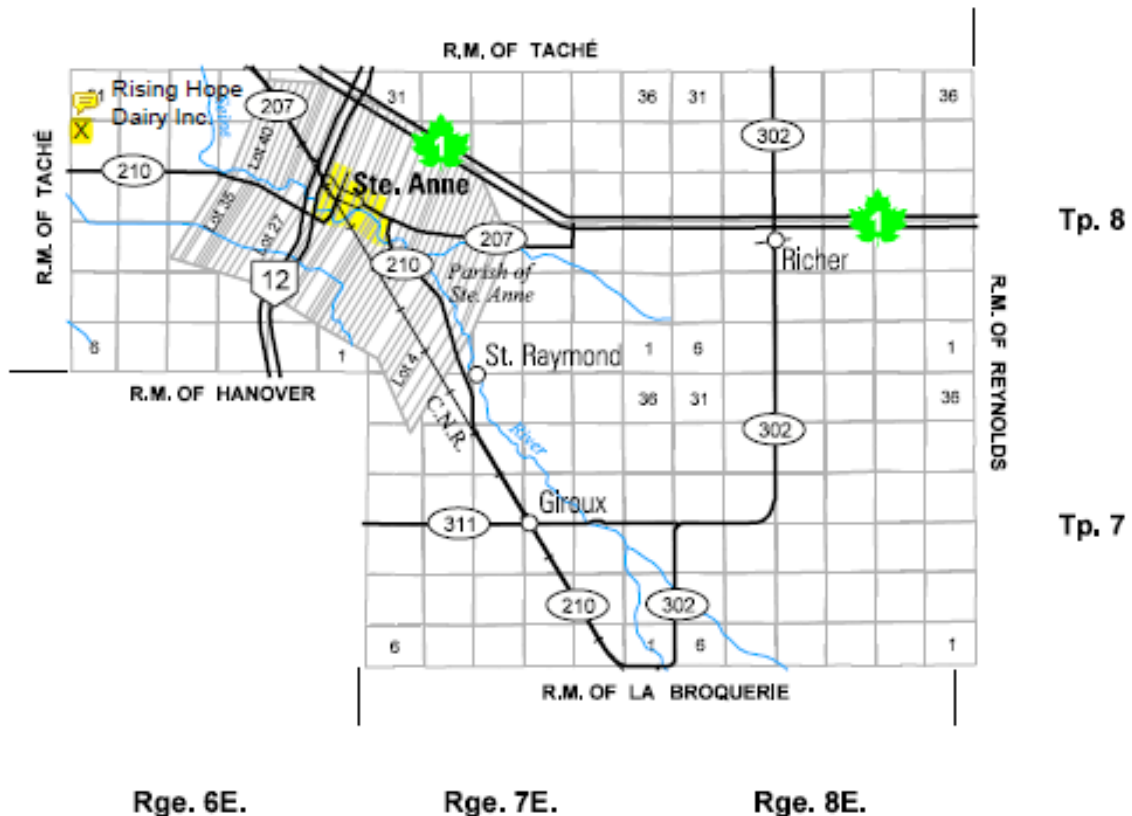
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SCALE IN KILOMETRES

R.M. OF STE. ANNE

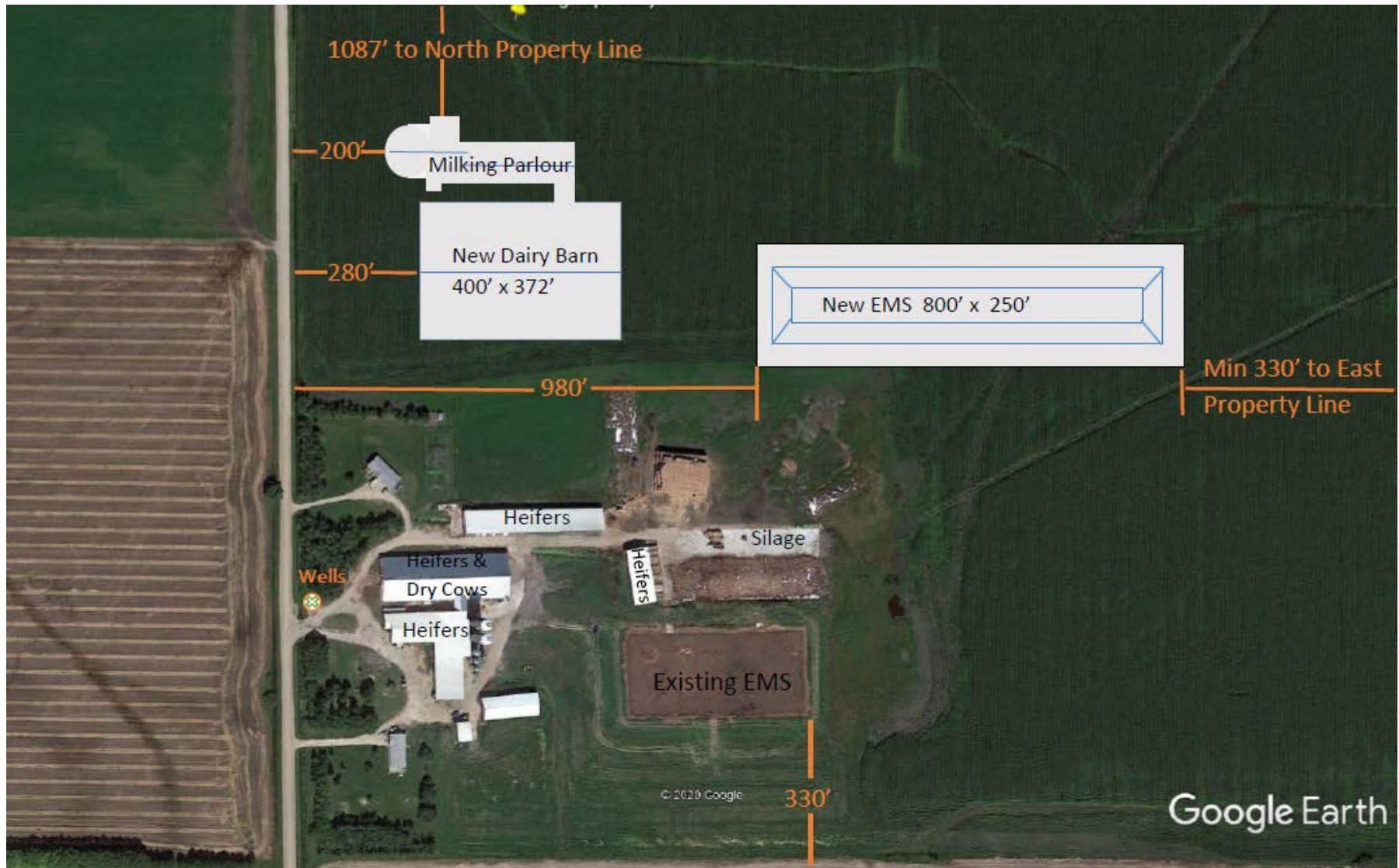
PROVINCE OF MANITOBA
INFRASTRUCTURE
HIGHWAY PLANNING AND DESIGN BRANCH
GEOGRAPHIC & RECORDS MANAGEMENT SECTION
WINNIPEG
JANUARY 2015

LEGEND

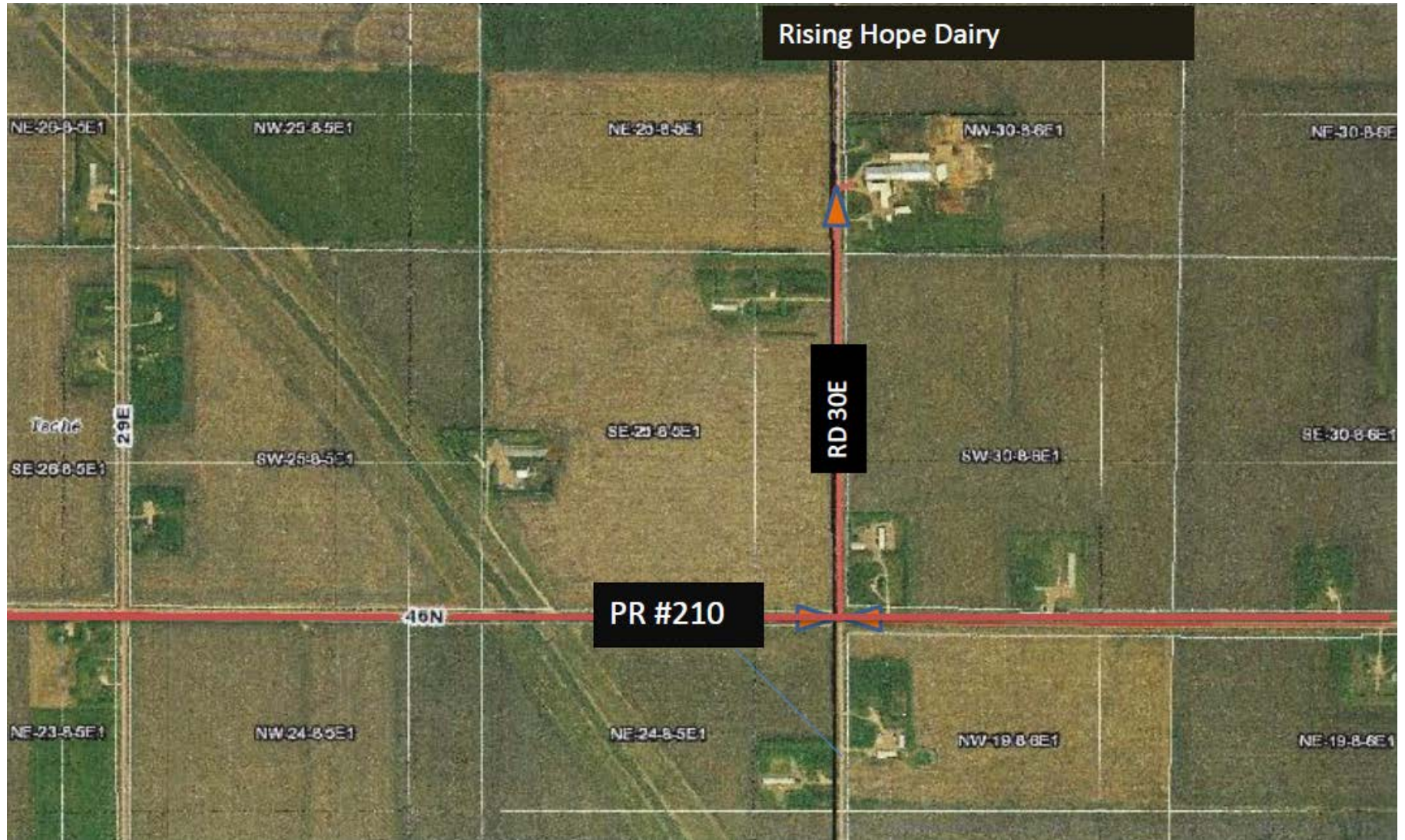
TRANS-CANADA HIGHWAY		ACCESS ROADS	
PROVINCIAL TRUNK HIGHWAYS		RAILWAYS	
PROVINCIAL ROADS			



Site Plan



Truck Haul Routes



C. SITE ASSESSMENT OVERVIEW

Provincial Technical Overview of TRC 12-075 – Rising Hope Dairy				
Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
1	Submitted complete site assessment	X	The proposal is consistent with the Provincial requirements for a livestock operation.	MR
2	Clearly identified the current and proposed type and number of animals and animal units	X	Rising Hope Dairy Inc. received CU approval for 1,200 AU (600 mature cows) in January 2016. They are currently seeking Conditional Use approval to expand the existing 600 mature cow dairy operation (1,200 AU) to 1,800 mature cows (lactating and dry) plus additional livestock. This is equivalent to 3,600 animal units (AU).	ARD ¹
3	Project clearly defined as:	X	The project is clearly defined as an animal confinement facility.	CC
	<u>animal confinement facility</u>	X	A new barn for the cows and a new milking parlour to the north of the existing buildings will be added to the existing operation. Both the proposed barn and the milking parlour 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

¹ Agri-Resource Branch

Provincial Technical Overview of TRC 12-075 – Rising Hope Dairy

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
4	Identified all existing and proposed buildings and structures and related separation distances	X	<p>Any proposed development that does not meet the required setbacks or livestock separation distances as established in the RM of Ste. Anne, requires Council’s approval and a public hearing to vary those requirements.</p> <p>For an operation consisting of 3,600 animal units (AU), the Zoning By-law requires a minimum setback distance of 10,499 feet from a designated area to an earthen manure storage facility and a minimum setback distance of 6,988 feet to an animal confinement facility. The Zoning By-law also requires a minimum separation distance of 2,625 feet from a single residence to an earthen storage facility and 1,312 feet to an animal confinement facility.</p> <p>There are no designated areas within the required separation distances. However, there are 3 dwellings (SW 30-8-6E and SW 31-8-6E) located within the required minimum setback distance and do not meet the separation distance requirements from a single residence to the existing earthen manure storage facility. Therefore, a variance order will be required to the closest of the three residences, located on SW 30-8-6 E from 2,625 ft. to 2,383 ft.</p> <p>It is acknowledged that a designated Urban Area LUD of Landmark and a dwelling at SE ¼ 25-08-05E in the R.M. of Tache are located closer than the minimum separation distances from the project site. However, given that they are located in the adjoining municipality a variance order is not a requirement.</p>	MR
5	Demonstrated project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone	X	According to semi-detailed soil survey, Rising Hope Dairy Inc. is located on agriculture capability Class 2 and 3 soil, which is considered prime agricultural land.	ARD ²
6	Identified suitable water source: <u>two existing groundwater wells</u> and a water consumption rate of <u>56,283</u> imperial gallons per day	X	Under the Water Rights Act, all operations using more than 25,000 litres (5,499 Imperial gallons) of water per day must hold a Water Rights Licence. This project currently holds a valid Water Rights Licence issued under The Water Rights Act. However due to the increase in water demand to support the expansion, an amendment application to the Licence will be required.	CC

² Agri-Resource Branch, Water Science and Watershed Management Branch

Provincial Technical Overview of TRC 12-075 – Rising Hope Dairy

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 the 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><u>Designation</u> The proposed livestock operation is located in NE ¼ 30-8-6E in the RM of Ste. Anne. The property is designated “Rural Agricultural Area” pursuant to the RM of Ste. Anne Development Plan By-law No. 13-2007. The proposal complies with Policies 5.5.1(a), 5.5.5, and 5.5.6 of the Development Plan. It is noted that Policy 5.5.2 requires that all new or expanding livestock operations be developed and managed in an environmentally responsible manner that minimizes offensive odours and the potential for the pollution of soils, groundwater, and surface water. It also advises incorporating buffers such as a treed shelterbelt surrounding the entire livestock operation facility, including the manure storage facility.</p> <p><u>Zoning</u> The proposed site is zoned “A” Agriculture pursuant to the RM of Ste. Anne Zoning By-law No. 10-2010 and has a minimum site area requirement of 80 acres with a minimum site width requirement of 600 feet. The proposed development complies with the minimum site area and site width requirements of the Zoning By-law.</p>	MR

Provincial Technical Overview of TRC 12-075 – Rising Hope Dairy

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
8	Identified any unsealed abandoned wells on the project site or spread fields	X	The assessment report identifies that the water use for the proposed livestock operation is from the existing wells located on the NW 30-8-6E. The provincial water well database contains the information of the wells associated with this operation. The assessment report indicates that there are no unused wells on the spread fields. If unused water wells on the site or spread fields are later located these shall be properly sealed and a sealed well report must be filed with 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://www.gov.mb.ca/water/groundwater/wells_groundwater/index.html . All but the most basic wells should be sealed by a well drilling professional. A list of currently licensed well drilling professionals can also be accessed from the above web page. See Appendix A for additional information.	ARD ³
9	Identified suitable manure storage methods	X	A permit to expand a manure storage facility must be obtained, prior to initiating any of the expansion work, in accordance with the Livestock Manure and Mortalities Management Regulation. An application for a permit to expand the manure storage 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 .	CC
10	Identified acceptable manure application methods	X	The proponent must submit and adhere to a manure management plan approved for the facility per the Livestock Manure and Mortalities Management Regulation (LMMMR) (MR 42/98).	CC
11	Mortalities disposal methods identified	X	The proponent has indicated that mortalities will be dealt with by composting. This is an acceptable disposal method under the LMMMR (MR 42/98). 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

³ Water Science and Watershed Management Branch

Provincial Technical Overview of TRC 12-075 – Rising Hope Dairy

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 indicates that 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	The site is not within a Designated Flood Area.	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 The Farm Practices Protection Act. 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	<p>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. Furthermore, Policy 5.5.2 of the Development Plan requires that all new or expanding livestock operations be developed and managed in an environmentally responsible manner that minimizes offensive odours and the potential for the pollution of soils, groundwater, and surface water. It also advises incorporating buffers such as a treed shelterbelt surrounding the entire livestock operation facility, including the manure storage facility.</p> <p>The proposed spread fields are large tracks of open agricultural land and therefore, the possibility of creating land use conflicts such as odour are less. However, we would like to note that there are scattered farm and non-farm residences on or adjacent to these spread fields in all three municipalities. We strongly recommend that the operator of the proposed livestock operation consider taking appropriate measures to reduce potential negative impacts i.e. odour on the nearby residences.</p>	MR

⁴ Agri-Resource Branch

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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 Rising Hope Dairy Inc. is 3,675 acres. Rising Hope Dairy Inc. has satisfied the land requirement by demonstrating that they have access to 4,385 suitable acres. See Appendix B for additional information.	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	All spread fields are within the Red River Valley Special Management Area and as such fall manure applications (September 10 – November 10) to tilled land must be injected or incorporated within 48 hours.	CC

⁵ Agri-Resource Branch

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Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
17	Proposed spread fields that meet development plan and zoning by-law requirements	X	<p><u>Development Plan</u> The Spread fields, located in the RM of Ste. Anne are designated “Rural Agriculture Area.” The fields are open agricultural land and can be used for manure spreading. They meet the intent of Development Plan By-law 13-2007.</p> <p>The spread fields, located in the RM of Taché, are designated “Agriculture.” Agricultural activities are the dominant land use in this designation. The application of manure on farmland is considered an agriculture-related activity. The proposal meets the intent of the Development Plan By-law 5-2016.</p> <p>Two spread fields are located in the RM of Springfield and are designated “Agricultural Preserve Area” and “Livestock Operation 1 Area” under the Development Plan By-law No. 18-09. Agricultural activities are the dominant land use in this designation. The fields are cultivated agricultural lands and meet the intent of the development plan.</p> <p><u>Zoning By-law</u> The Spread fields located in the RM of Ste. Anne are zoned “A” Agriculture. The spread fields located in the RM of Taché are zoned “AG” Agriculture General. The fields located in the RM of Springfield are zoned “AG” Agriculture General.</p> <p>The Zoning By-laws for the 3 municipalities require a minimum site area of 80 acres with a 600 foot site width for agricultural activities. The lands proposed for spread fields are mostly 80 acres in size or larger. The applicable Zoning By-laws does not provide specific setback distance requirements from a spread field to a residence or a designated area.</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 as means of manure transportation. This is considered acceptable under the Livestock Manure and Mortalities Management Regulation.</p>	CC

Provincial Technical Overview of TRC 12-075 – Rising Hope Dairy

Item No.	Provincial Requirements	Confirmed	Related Provincial Safeguards	Dept.
			<p>Please be advised that any structures placed within the controlled area of PR 210, PR 206, PR 207 and PR 405 or any Provincial Road (125 feet from the edge of the right-of-way) requires a permit from our office. The contact is Sheena del Rosario at (204) 945-3457 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 210, PR 206, PR 207 and PR 405 requires permission from our regional office in Steinbach. Please contact the Acting Regional Planning Technologist (Robert Fender) at (204) 371-6858 or Robert.Fender@gov.mb.ca. In addition, please notify the Acting Regional Planning Technologist for the placement of temporary draglines or other temporary equipment for manure application within the controlled area of PR 210, PR 206, PR 207 and PR 405 (125 feet from the edge of the right-of-way).</p> <p>Any manure lines placed on or over a Provincial Waterway such as the Seine River Diversion will require authorization from Manitoba Infrastructure. Authorization can be applied for at https://forms.gov.mb.ca/pww/</p>	MI
19	Identified suitable trucking routes and access points	X	The subject property has frontage along a municipal road and the proposed truck haul route utilizes existing Government Road Allowances which connect onto PR 210. We do not anticipate a significant increase in traffic. We have no concerns.	MI
20	Identified proposed trucking routes – local roads	X	The proposed site is approximately a mile north of PR 210. The proposal identifies PR 210 and Muni Road 30E as its potential truck hauling routes. The proposed site has existing access onto Muni Road 30E. 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.	MR

Provincial Technical Overview of TRC 12-075 – Rising Hope Dairy

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 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	
RM of Tache Dufresne, Manitoba	NO CONCERNS Requesting that proponent consider the following: When applying manure on spread fields in the RM of Tache, maintain a minimum separation distance of ½ mile (.80 km) radius from the Local Urban District (LUD) of Landmark.
Jacques & Simone St. Pierre 29119 River Road Lorette, Manitoba R5K 0Z8	OPPOSED Opposed to proposed expansion primarily due to truck traffic and odour concerns. Concerned about hauling solid waste, increased truck traffic and wear and tear on road.
Eric Ahi	OPPOSED Concerned that propose expansion will negatively affect rural residential properties and the community of Landmark. Concerned with smell, run off, hazards to the environment and drinking water, and negative impact on property values. This expansion will deter future rural residential growth.
Walter Plett	OPPOSED This operator is too large as it is. Commenter believes that this area is beyond saturation as he has seen liquid floating down the ditch from the operation and claims operation does not have enough land to take care of his waste units. Concerned about over abundance or manure causing harm to aquifer.
Harold Kroeker MUN 45N/30E	OPPOSED There are about 15 residential properties in the area home to families. This road is used by children, pedestrians, and cyclists. There is already a significant amount of truck traffic with noise and dust. There are already a number of operations in the area; any expansion of this dairy operation would only exacerbate an already delicate and compromised groundwater and well water situation.
Gary Desrochers	OPPOSED There are a large number of livestock operations already in the area. We need to start protecting our aquifer and stop overloading the area with these operations. The farm is close to several towns and the odour can be overwhelming. The area cannot support expansion or further development of this kind.
Kathy Drul Linda Ondusky Ken Burak Gary Burak Devin Burak 47066, Municipal Road 30E, SW 36-8-5 E	OPPOSED Commenters are concerned with the impact the proposed expansion will have to the area. The farm was approved to triple in size seven years ago and is now applying to triple again. Commenter shared story about an overwhelming number of flies at an outdoor gathering and later found out manure had been spread close to commenter's residence. Concerned that flies will carry disease and bite, affecting quality of life for residents. Noted water requirements, current smells, concern about land base for manure, effect on road, leaking manure, effect on ground water, effect on future residential development, effect on other operations wanting to expand: will the area have reach its cap?

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 C 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 Steinbach 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 Steinbach Community Planning Office), and
 - c) every person who made representation at the hearing.
4. According to the Rural Municipality of Ste. Anne Zoning By-law, the required minimum separation distance between a single residence and an earthen manure storage facility is 2,625 ft. and 1,312 ft. to an animal confinement facility.

As a result, Council will require the proponent to apply for a variance to vary the distances between the existing earthen manure storage facility and the closest residence, located in SW 30-08-06E from 2,625 ft. to 2,383 ft.
5. As per Section 169(4)(b) of *The Planning Act*, a copy of the notice of hearing to vary the separation distance involving a livestock operation must be sent to every owner of property located within the separation distance that is proposed to be varied.
6. As per Section 174(1) of *The Planning Act*, Council can hold all required hearings together in a single combined hearing. It is recommended that during the course of this public hearing, Council first deal with the conditional use order followed by the variance order.
7. As per Section 174(2) of *The Planning Act* the notice of hearing for each matter to be considered at a combined hearing may be combined into a single notice of hearing.

8. 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*.
9. 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.
10. 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.
11. 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 a variance be applied for prior to the Conditional Use Hearing to vary the separation distances between the existing earthen manure storage facility and the closest residence, located in SW 30-08-06 E.

This will provide council with the option of holding a combined Conditional Use and Variance Hearing.
2. That the proponent request the municipality hold a combined hearing.
3. 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.
4. That the proponent take appropriate measures when spreading manure to reduce odour impacts on adjacent and nearby residences.
5. 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
Don Malinowski	Municipal Relations	Senior Planner <i>Community Planning Branch</i>	204-945-8353
Petra Loro	Agriculture and Resource Development	Livestock Environment Specialist <i>Agri-Resource Branch</i>	204-918-0325
Shannon Beattie	Conservation and Climate	Policy Analyst <i>Legislation, Policy and Coordination Branch</i>	204-792-6269
Jeff DiNella	Infrastructure	Senior Development Review Technologist <i>Highway Planning and Design Branch</i>	204-945-2664

Appendix A

Water Branch (ARD)

Staff in the Water Branch have reviewed the site assessment for the Rising Hope Dairy proposal in the RM of Ste. Anne and have the following comments.

1. The project site is not located within Nutrient Management Zone N4 or any Nutrient Buffer Zone.
2. Most spread fields are within the Red River Valley Special Management Area and as such fall manure applications (September 10 – November 10) to tilled land must be either injected or incorporated within 48 hours.
3. 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).
4. The proponent plans to inject all liquid manure, broadcast, and incorporate solid manure. Injection of manure at appropriate rates poses lower environmental risk than other manure application methods and conserves nitrogen increasing the fertilizer value of the manure. For solid manures, incorporation reduces risk of nutrient losses to water and conserves valuable nitrogen when compared to broadcast without incorporation.
5. 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 methods.
6. 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.
7. 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 6,805 acres may be required for the long-term environmental sustainability of the operation. The proponent has identified 4,385 acres for manure application. Application to meet crop N requirements is estimated to use 3,675 acres. Application at 2 times the crop removal of P is estimated to use 3,402 acres. 6,805 acres is estimated to be required to achieve P balance (phosphorus removal equal to phosphorus application) with current crop choices and yield potential.

8. 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).

9. The assessment report identifies that the water use for the proposed livestock operation is from the existing wells located on the NW 30-8-6E. The provincial water well database contains the information of the wells associated with this operation. The assessment report indicates that there are no unused wells on the spread fields. If unused water wells on the site or spread fields are later located these shall be properly sealed and a sealed well report must be filed with 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://www.gov.mb.ca/water/groundwater/wells_groundwater/index.html. All but the most basic wells should be sealed by a well drilling professional. A list of currently licensed well drilling professionals can also be accessed from the above web page.

10. 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

Agri-Resource Branch (ARD)

Rising Hope Dairy Inc. has met the land requirements for 1,800 mature cows plus associated livestock (3,600 AU) as follows:

In areas of lower livestock intensity such as the RM of Ste. Anne, 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 phosphorus with crop removal, should it be necessary in the future.

Typical, modern feeding practices for dairy production were used to estimate nutrient excretion for Rising Hope Dairy Inc. Realistic, long-term 10-year crop yields from the Manitoba Agricultural Services Corporation (MASC) for the RMs of Ste. Anne and Tache 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 and semi-detailed soil surveys are available to determine the agriculture capability of the land. The agriculture capability of the land included in the proposal is predominantly Class 2 and 3 (prime agricultural land). The main limitation is wetness (W) with some areas susceptible to inundation (I).

The required land base for Rising Hope Dairy Inc. is 3,675 acres. Rising Hope Dairy Inc. has satisfied the land requirement by demonstrating that they have access to 4,385 suitable acres.

Appendix C – Proponent Response

February 12'2021

Technical Review Committee

Manitoba Municipal Government

604-800 Portage avenue

Winnipeg, MB R3G 0N4

Re: Rising Hope Dairy Inc Application

To whom it may concern:

We are sending this letter to respond to some of the concerns that were addressed in some of the letters sent to you regarding Rising Hope Dairy's application for manure units. First, we have a big thankyou to say to council for allowing us to submit our request and being willing to take the time and study the technical review and seriously consider the application. In response to each of these letters, we would like to say that we respect the concerns you voiced and appreciate your concern for the impact on our community and the world in general. In the same way as they say it takes a community to raise a child, we also realize it takes a community to produce our food supply. We realize that basically every household in our community consumes milk and meat products and therefore chances are that a portion of it comes right from this farm. We realize it is a community effort and take note of so much of the local community that contributes. We acknowledge the many local youth and full-time staff that have chosen to invest their time energy and effort to produce milk. We also appreciate the local businesses that have contributed, trucking companies, gas stations, credit union, equipment support teams, fix-it garages, manure management, and the list goes on. We feel that we have had a good standing in our community, and rarely have been approached personally or by phone about a complaint. We appreciate the support we have had in this farming community, and many of our neighbors are excited with us when it is time to harvest and enjoy watching the machinery and feel a part of the experience. Some of the letters were surprising to read, and we would encourage each of you, that when you do have a concern to approach us directly. When our community gives us immediate input, we can make every effort to improve our farm practices when something goes amiss.

Our farm is managed and owned by 3 families who have been born and raised on the farm here in the Landmark area. Currently we have 10 children that are growing up on the farm. We make every effort to be conscientious in our practices and to work hard and take pride in a job well done. These are the lessons and principles we want to instill in our children. As farmers, we feel we have a very close relationship with the land and are very dependent on the God who brings the sunshine and rain. It is our family's heritage and our children's future. Together with that, "All of the world's population, despite all it's education, and sophistication and it's many accomplishments, owes it whole existence to a six-inch layer of topsoil and the fact that it rains." (unknown author). Not only your future, but OUR future is completely dependent on our own management of our soil and is also dictated everyday by the weather and the God who controls it. Maintaining a healthy and robust soil composition, is important to us, and to the future of our next generation.

A large part of applying for this expansion is looking to the future. Our current milking parlor there is old and outdated and will need a replacement there in the next 5 yrs or so. We also have the next generation coming up and eager to farm. Together with that, the community is growing and the demand for milk products in Manitoba is growing. The costs of building a new parlor are exorbitant and prohibitive and when building one, you must consider that it is a 20yr investment. Seeking to be good conscientious operators, we would expect to invest in all the latest water saving technologies on the market, the current recommendations in manure handling, and the latest technologies in cow

comfort and cow handling, together with automation that allows for maximum comfort and ergonomics for the operator. To do this, we need to consider the future to justify the cost. We are putting forth a 20yr growth plan.

We want to seek to respectfully respond to some of the issues raised.

1. In response to questions about growth.

Approximately 6 years ago, the Dairy Farmers of Manitoba, (DFM), chose to take milk quality very seriously and linked the capability of the farm to expand, to the quality of milk it produced. The DFM has classified all farms in a Gold, Merit, Standard, or Infraction status based on their milk quality. To obtain Gold status, farms must have been free of any antibiotic residue, and have extremely low bacteria counts for 12 consecutive months. The DFM has limited expansion to any farm that has not fallen within the Gold Status. The Merit and Standard farms are only allowed to expand by small increments. Although this had a huge outcry from the Dairy Farming Community, we feel that the DFM made a critical decision in ensuring that the milk produced in Manitoba would have superior quality. We have always qualified for the milk quality bonus and have placed among the highest ranked farms in regards to milk quality. We are confident that we are producing top quality milk and also confident in the DFM by the leadership it has shown by setting these parameters and allowing only top quality producers the biggest opportunity to purchase quota.

We also feel very confident in the Canadian Quality Milk Program, (CQM) requirements. CQM plays an important role in monitoring food safety and the risks on farms. They have stringent protocol that monitors for:

- Any antibiotic residue on the farm
- The use of any medicines and chemicals
- Assessing water safety, aquifer contamination, and water usage
- Quality and safe meat products
- Milk cooling and storage
- Sanitation of all milking equipment
- Safe operating procedures

As dairy farmers, we answer to the CQM, and have regular inspections and must file regular paperwork that shows daily monitoring of all of the above. Failure to comply could result in large fines and the right to ship milk being taking away.

2. In response to potential aquifer contamination.

We trust that the Technical Review and Manitoba Conservation is qualified to make sure that soil types, manure amounts, and application, etc. meet all required specifications. This is where they specialize. We also do not want aquifer contamination. We drink the water, our neighbors drink the water, and so do all our cows. We want clean water for all of us. It is interesting to note that Dairy Farmers of Manitoba and the Canadian Milk Quality Program require yearly water testing. Together with that, Manitoba Conservation requires yearly testing of our lagoon test wells that surround it.

3. In response to traffic issues.

We understand people's concerns when it comes to adherence to traffic laws. We have avid joggers, and children who love to ride their bikes. We know all too well what it means when someone does not slow down or does not stop at a stop sign. We know that we have failed in some situations, and we have tried to make improvements. Every year we meet with our shop crew, and speak of the importance of slowing down for pedestrians, stopping at stop signs, adhering to speed limits etc. They are advertising our farm by how they

drive. I believe we have made huge progress in this area, but because we are not on each and every truck, we don't always know what is happening. When we have been approached by neighbors, we have expressed our appreciation in them letting us know and have sought to improve the situation. Please make us aware promptly when these things happen, so that they can be dealt with the specific driver accordingly.

Regarding truck traffic, we submit to our local authorities and our municipalities guidelines. We have every intention of submitting to their oversight and guidance. We have trucks on the road like other local businesses and farms, and similar to the municipality trucks that haul gravel. In any farming community with agricultural zoned land, it is normal to have a certain amount of truck traffic.

4. In response to Manure Management.

The responsible application of manure to our fields does in fact do amazing things for our soil composition that is way beyond what chemical fertilizers can do. When you treat your "land" as one of your most important commodities, the application of manure is seen as a "soil builder" and is in fact thinking towards the future. The use of manure replaces our need to purchase a lot of fertilizer, (N, P, K) which is a further incentive to treat it as the valuable resource that it is. When best management practices are followed with timely manure application, in comparison to other conventional fertilizer, manure properly applied has the potential to provide these environmental benefits:

- Increased soil carbon and reduced atmospheric carbon levels
- Reduced soil erosion and runoff
- Reduced nitrate leaching
- Reduced energy demands for natural gas-intensive nitrogen(N) fertilizers

(Source: <https://pelc.org/environmental-benefits-of-manure-application/>)

Some things that our community might not be aware of are the regulations and parameters that are currently in place for a farm over 300 animal waste units. We have every confidence that Manitoba Conservation is doing a very good job of keeping farmers accountable regarding manure application. We are required to do yearly soil sampling of any fields which will receive manure and submit to Manitoba Conservation before manure application. The following year Manitoba Conservation has a soil testing audit program where they randomly audit some fields in a Manure management plan to ensure compliance to their standards.

Manitoba Conservation plays a huge role in this technical review ensuring that we have enough land for the manure units applied for. They also test each field that we submit to ensure that they have room in their soil test for the application of the manure in the future. Conservation also considers the soil type, and water systems in the area before allowing or approving any application. Our relationship with Manitoba Conservation and our compliance to their standards is critical to the future growth of our farm, and without submission to their standards, growth would not be allowed.

Over the years we have sought to be community friendly with our operation by investing in manure pumping equipment to get our tractors, and manure wagons off the road. We pump all liquids to the field with a dragline, which results in no damage to the roads, or leakage there. All manure is incorporated into the soil with an aerator we pull behind the dragline. We have also made every effort to cultivate within 48hrs of application to get the manure into the soil and mitigate the smell.

Approximately 7yrs ago we hired Agra-Gold to do all our manure management, soil testing, and to give us the professional advice and the experience we need to be the best stewards of our land possible. Upon his advice, 1.5 years ago we took a huge step in our manure pumping technology with the expensive purchase of a manure

NIR sensor, (Near Infrared Spectrometer). This is a manure constituent sensing monitor which measures the nutrients in the manure as you are applying. This technology allows us to adjust our manure flow rates while we are applying based on the manure it is testing as it comes through the monitor. This ensures even application, and in the future might allow targeted application to specific nutrient deficiencies etc. in the field. We are proud to say that we were among the first manure applicators in Manitoba to use this new technology and Agra-Gold has been testing it on our farm. All our manure application is also recorded with GPS, (Global Positioning System), data and the GPS map of our manure application sent in with our report to Manitoba Conservation. This GPS report allows Manitoba Conservation to clearly see if we have adhered to the manure setbacks and regulations. There are no secrets there.

In this area where our farm is located, we are fortunate that we have a very good base of clay that prevents water contamination and nutrient leakage into the ground water.

5. In response to flies.

The last two years of hot dry summers have resulted in a perfect situation for the flies. Similar to the mosquitos liking a wet summer, the flies love it hot and dry. This past summer we applied a few times an environmentally friendly fly control with aerial spraying to all our manure windrows, and to this farm site with great success. There was a noticeable difference on the farm the weeks following application, and please note that it is also important to us for our own cow comfort to keep the flies at bay. We were very pleased with the results of this trial. Although we cannot control what the neighboring yard sites, disposal sites, and farms around us have done, we feel we did a good job controlling our own flies.

6. Regarding odour.

We live in an agricultural community, and in agricultural zoned land, and with that there come odors. That being said, dairy manure has a crust that forms on the top of our lagoon which is very thick, and does a good job minimizing odor. There is a good possibility that what you are smelling is not from our farm. Till we break up the crust for pumping manure, the smell is very minimal. Together with this, we use microbes that we add to the manure monthly to minimize smell and to break down some of the nutrients to get them ready for the soil. We are also thankful that this farm is located with very few neighbors in close proximity. Since the purchase of the farm there, we have also planted over 800 trees there into shelterbelts to prevent the smell.

Currently we pump twice a year in the spring and in the fall. With the approval of this application, one of the first items we would tackle is increasing our lagoon size so that it would allow us to only pump once a year. Our manure pumping crew, (led by Paul), does make every effort to pump 24hrs/day once the pumps start up to have the least impact possible on the surrounding neighbors. The Rising Hope lagoon takes us less than a week to pump. Together with the aerator we pull to incorporate the manure and our prompt cultivating within 48hrs of application, we feel we are doing a very good job of controlling the odor in the community.

7. In response to traffic on River Road.

We would just like to state that we have one field on the corner of River Road and road 30E on which we are currently hauling solid waste. This field is mostly accessed from road 30E. I believe that some of the traffic you are seeing there is from a different farmer, (unassociated to us), hauling solids to a field there on River Road. Our trucks have very little reason to drive on River Road except when we are combining in the fall.

8. Dust Abatement.

When talking to a local councilor about dust abatement, he said, "Send them to me, that is a municipality responsibility."

9. Solid Waste Management and Ground Runoff.

When applying solid waste to the fields, we follow the Manitoba Conservation setback measurements to avoid the contamination of ground water runoff.

Regarding manure and silage storage on the farm, we have been improving every year. We have built a larger lagoon at this farm which was engineered and approved for use by Manitoba Conservation. The previous lagoon did not have that certificate. This past summer we poured another 700 meters of concrete to do a better job storing our silage and improve our drainage on the yard to further prevent ground runoff.

10. Employment and Economic Impacts on the Community.

As you are already aware, the main economic driver in our community is Agriculture. Currently Rising Hope dairy employs a lot of local staff who purchase houses or pay rent in our area, pay taxes here and their children attend our schools. Since the purchase of this farm, along with the full-time staff, we have had 40 students have their first job here, allowing them to learn work ethic, make money for their schooling, and allowing them to purchase their first car etc. These do not include the many support staff from other local businesses that also spend many hours at our farm and are part of the local community. One of our strengths is giving people a chance to come and prove themselves at our farm, despite a poor resume. Our farm has a significant impact on our local economy.

In conclusion, we hope that by giving you insight into our farm practices, and the regulations and hoops we are required to jump through, you have found some assurance that we are in fact seeking to be conscientious stewards of our land and wanting to live in harmony with the community around us. We have sought to invest in technologies that help us to be more environmentally friendly, reduce traffic on our roads, and also have less impact on the community around us. We are very conscious of the community around us and have made efforts to be more visible by supporting local sport initiatives, sponsoring local hockey players, supporting the building of local daycare, fundraising for our local rec board, sponsoring the STARS fundraiser, supporting the Friendship festival in a variety of ways, and many other local causes. We are passionate about farming, this is not a job, it is a lifestyle, and we believe in what we do.

At least once in your life, you'll need a doctor, a lawyer, a policeman and a preacher, but three times a day, everyday you need a farmer.

Thank you,

Paul and Cheryle Warkentine

Kevin and Connie Plett

Alvin and Katherine Plett