



**TECHNICAL REVIEW COMMITTEE**

**A TECHNICAL REVIEW REPORT  
PREPARED FOR**

**THE RURAL MUNICIPALITY  
OF  
ROCKWOOD**

**Bogaard Farms Ltd**

**NW 03-14-02E**

A faint, grayscale background image of a long farm building with a gabled roof and several windows, situated behind a field of tall grass.

**September 13, 2012**

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## A. INTRODUCTION

The Technical Review Committee (TRC) consists of representatives from the following provincial departments:

- Agriculture, Food and Rural Initiatives (MAFRI);
- Conservation & Water Stewardship (Con-WS);
- Local Government (LG); and
- Any other department that may have an interest, which may be consulted during the process. – MB Infrastructure & Transportation (MIT)

The Technical Review Coordinator, Manitoba Local Government, chairs the committee.

The Technical Review Committee Report includes the following:

- An assessment of completeness and nature of the information contained in the Site Assessment provided by the project proponent that enables the TRC to conduct its review.
- A summary of public comments along with proponent and departmental responses, if any.
- Recommendations to the Municipal Council based upon a review of the information provided by the proponent.

Should the Municipal Council provide conditional approval of the proposal, the project proponent will be required to obtain various permits and licenses from the Province to address in greater detail environmental aspects of the proposal.

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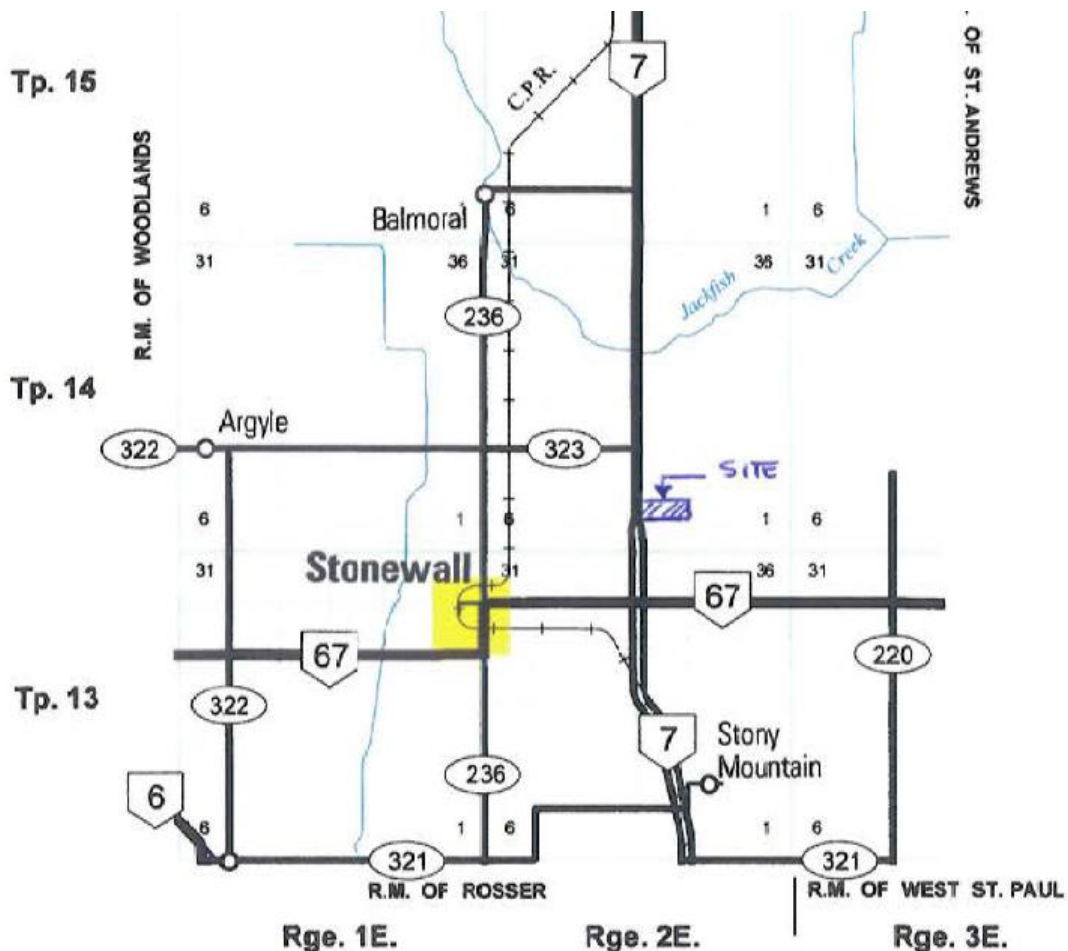
## B. DESCRIPTION OF PROPOSED LIVESTOCK OPERATION

To view detailed descriptions go to the following link:

[www.gov.mb.ca/ia/programs/livestock/public\\_registries.html](http://www.gov.mb.ca/ia/programs/livestock/public_registries.html)

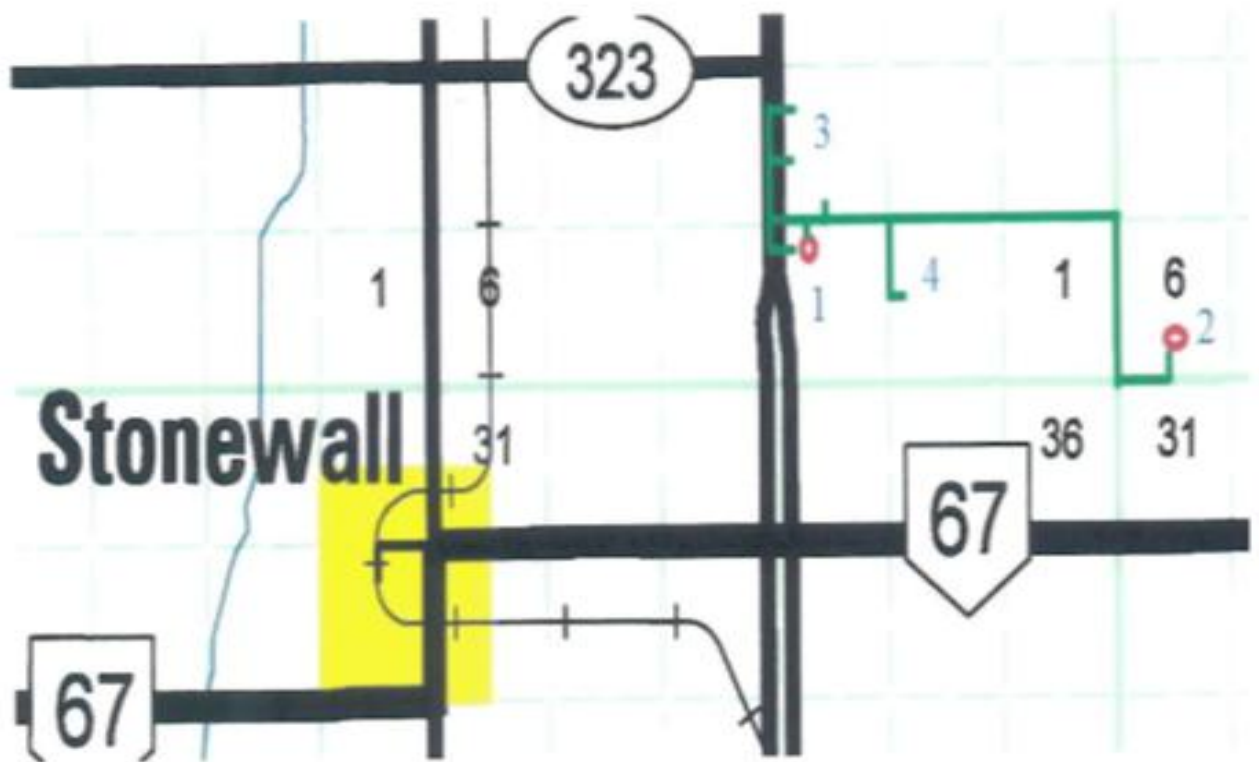
Applicant: Bogaard Farms Ltd is a 15 year old dairy operation with 210 milking cows including associated livestock (420 Animal Units).

Site Location: Approximately 4 miles north east of the Town of Stonewall, in the R.M. of Rockwood (NW 03-14-2EPM). Refer to Map below.



Proposal: To increase the operation by 40 milking cows and associated livestock (80 Animal Units) for a total of 250 milking cows and associated livestock (500 Animal Units). The applicant has advised that this will involve the following;

- Renovating of the existing barn to accommodate the increase
- Water consumption of 9,390 imperial gallons per day/ 3,427,350 per year
- Constructing a new 131 foot slurry storage tank
- Continuing to use a naturally floating straw cover as well as a shelter belt as odour control measures
- Spreading manure over an area of 747 acres (with an additional 385 acres available, but not yet soil sampled)
- Continuing to compost dead animals on site
- Using the truck haul route as shown below.



- 1: Home Farm
- 2: Replacement cattle
- Truck Route
- 3: 10-14-2E (Spreadable Acreage)
- 4: NW 2-14-2E (Spreadable Acreage)

## C.SITE ASSESSMENT AUDIT

The Audit of: Bogaard Farms Ltd

Site Assessment Sections	Meets Requirements for TRC Review (type "X")	Comment	Reviewing Department
Description of Operation	X	The applicant has provided a detailed description of the current operation	LG
Nature of Project	X	The applicant has clearly defined the nature of the project	LG
Proposed Type and Size of Operation	X	The applicant has indicated that the proposed expansion is for a total of 250 milking cows plus associated livestock.	MAFRI
Animal Confinement Facilities	X	<b>Con-WS – Climate Change &amp; Environmental Protection – Environmental Programs and Strategies:</b> Manitoba Conservation and Water Stewardship regulates the construction of manure storage facilities (MSF) by requiring the proponent to submit an "Application for Permit to Construct, Modify or Expand a Manure Storage Facility". The definition of MSF does not include gutter or pit (including under barn storage) used to contain liquid or semi-solid manure for less than 30 days for the purpose of moving the manure to a storage facility.	Con-WS
Environmental Farm Planning	X	The applicant has indicated they have an EFP.	MAFRI
Water	X	<b>Con-WS – Climate Change &amp; Environmental Protection – Environmental Programs and Strategies:</b> Environmental Programs and Strategies identified a violation of the Livestock Manure and Mortalities Management Regulation. The information provided indicates that the operator applied manure to a field located in NW 02-14-02 EPM which resulted in soil nitrate nitrogen exceeding prescribed limits. A warning for the violation was issued on August 16 <sup>th</sup> , 2012. No further enforcement action for this violation is being considered at this time.  The operator has submitted a Source Water Monitoring analysis report for 2012 which is required annually for operations of 300 or more animal units.	Con-WS

The Audit of: Bogaard Farms Ltd

Site Assessment Sections	Meets Requirements for TRC Review (type "X")	Comment	Reviewing Department
		<p><b>Con-WS – Water Stewardship – Water Use Licensing:</b>  <i>Bogaard Farms Ltd. submitted an application earlier in 2012. There is sufficient water available to allocate to the proposed expansion if the conditional use permit is granted.</i></p>	
Manure Related	X	<p><b>Con-WS – Climate Change &amp; Environmental Protection – Environmental Approvals :</b>  <i>Approvals Branch has verified that the existing manure storage facility was constructed under the authority of a permit issued by Manitoba Conservation and Water Stewardship. The department has not received the application for the proposed manure storage facility to date.</i></p> <p><b>Con-WS – Climate Change &amp; Environmental Protection – Environmental Programs and Strategies:</b>  <i>The operator has submitted a Manure Management Plan for the 2013 crop year which is required annually for operators of 300 or more animal units.</i></p>	Con-WS
Land Available/Required for Manure Application	X	<p><i>In Manitoba, manure can only be applied to land as a fertilizer for crop production.</i></p> <p><i>Lands with Agriculture Capability Class 1 to 5 and recent soil tests demonstrating phosphorus (P) levels below 60 ppm Olsen P are included in the land base requirement. Buffer strips and setbacks must be excluded from the land base.</i></p> <p><i>The lands provided by Bogaard Farms Ltd are Agriculture Capability Classes 2 and 3. The soil test results indicate that none of the fields are currently above 60 ppm Olsen P. It appears from the Manure Application Field Characteristics Table that buffer strips and setbacks have been excluded.</i></p> <p><i>The dairy cattle proposed by Bogaard Farms Ltd will excrete about 84975 lb N per year and 41250 P<sub>2</sub>O<sub>5</sub> per year. The crop yields provided by Bogaard Farms Ltd are consistent with long-term (1995-2011) MASC yield averages. Based on the crop rotation and yields provided by Bogaard Farms Ltd, the average crop N removal rate is 104 lb N per acre per year and the average crop P<sub>2</sub>O<sub>5</sub> removal rate is 33 lb P<sub>2</sub>O<sub>5</sub> per acre per year. Based on the total number of animals proposed, the cropping system provided, a 20% N loss</i></p>	MAFRI

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Site Assessment Sections	Meets Requirements for TRC Review (type "X")	Comment	Reviewing Department
		<p>during storage and sufficient land for 2 times the crop P<sub>2</sub>O<sub>5</sub> removal rate, Bogaard Farms Ltd requires a minimum of 652 acres for the manure N and P.</p> <p>Bogaard Farms Ltd has identified 747 suitable acres for manure application and an additional 385 acres that are available but have not been assessed because they do not have soil tests. As such, Bogaard Farms Ltd has sufficient suitable land for the application of their manure.</p> <p>The soil test results for the manure application fields indicates that field NW 2-14-2E has soil nitrate-N levels that exceed the regulatory limit of 140 lb nitrate-N per acre for Class 2 and 3 soils (excluding 3M and 3MW). Manure or N fertilizer should not be applied to this field until the residual soil nitrate N levels are below the regulatory limit.</p>	
Land Available/Required for Manure Application(Permit Related)	X	<p><b>Con-WS – Climate Change &amp; Environmental Protection – Environmental Programs and Strategies:</b></p> <p>Manitoba Conservation and Water Stewardship has obtained information on average phosphorus output from livestock and expected crop removal rates of phosphorus as well as Census data in order to estimate the phosphorus budget in each Rural Municipality within agro-Manitoba. "Certain Areas", are defined by the Livestock Manure and Mortalities Management Regulation as areas where the amount of phosphorus in the manure produced annually by livestock in an area of not less than 93.24 km<sup>2</sup> is greater than two times the annual crop removal rate of P<sub>2</sub>O<sub>5</sub> in that area. The Rural Municipality of Rockwood is not considered to be a "certain area".</p> <p>The department requires permits for construction of manure storage facilities. As part of the review, operators must identify manure spread fields. In areas of Manitoba which are not considered to be "certain areas" as defined above, the department's current policy for the construction permit is to require an operation to demonstrate access to sufficient land to apply manure at a rate equivalent to 2 times the crop removal rate of phosphorus. Manitoba Conservation and Water Stewardship is sufficiently satisfied with the proposal for the dairy expansion in this respect.</p>	Con-WS

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Site Assessment Sections	Meets Requirements for TRC Review (type "X")	Comment	Reviewing Department
Mortalities Disposal	X	<p><b>Con-WS – Climate Change &amp; Environmental Protection – Environmental Programs and Strategies:</b></p> <p><i>In accordance with the Livestock Manure and Mortalities Management Regulation 42/98, mortalities must be kept in a secure storage room, covered container or secure location; and continuously frozen or refrigerated, if not disposed of within 48 hours after death.</i></p> <p><i>Composting mortalities is acceptable provided the composting site is located at least 100-meters from any surface watercourse, sinkhole, spring or well, and the operation’s boundaries. Mortalities must be composted in a manner that does not cause pollution of surface water, groundwater or soil, and the composting facility and process must be acceptable to the Director of Manitoba Conservation and Water Stewardship.</i></p> <p><i>Application of composted mortalities to land is prohibited between November 10 of one year and April 10 of the following year.</i></p> <p><i>The proponent should prepare a contingency plan in case of a catastrophic event resulting in mass mortalities.</i></p>	Con-WS
Project Site Description	X	<p><i>The proposed livestock operation expansion generally complies with the applicable policies of the “A” Agricultural Rural Area designation pursuant to the South Interlake Planning District Development Plan By-law 3/10.</i></p> <p><i>The property is zoned “AG” Agricultural General Zone within the RM of Rockwood Zoning By-law. The existing operation satisfies the minimum site area and site width requirements of 80 acres and 600 feet.</i></p> <p><i>The nearest single residence not associated with the operation is located 769 feet from the existing barn, which does not satisfy the current minimum separation distance of 945 feet. However, assessment records indicate the residence and barns pre-date the current zoning requirements, and were located in compliance with the earlier regulation that required a separation distance of 500 feet. As such, the separation distance between the existing dwelling and barn is legally nonconforming.</i></p>	LG (CRP Regional Office)



**The Audit of: Bogaard Farms Ltd**

<b>Site Assessment Sections</b>	<b>Meets Requirements for TRC Review (type "X")</b>	<b>Comment</b>	<b>Reviewing Department</b>
<i>Project Site Description (Native Prairie, Wildlife Mgt Areas, Crown Land)</i>	<b>X</b>	<p><b>Con-WS – Conservation Programs – Wildlife and Ecosystem Protection:</b>  <i>A search of the Manitoba Conservation Data Centre's rare species database found no occurrences at this time for the area of interest.</i></p> <p><i>The information provided in this letter is based on existing data known to the Manitoba Conservation Data Centre at the time of the request. These data are dependent on the research and observations of CDC staff and others who have shared their data, and reflect our current state of knowledge. An absence of data in any particular geographic area does not necessarily mean that species or ecological communities of concern are not present; in many areas, comprehensive surveys have never been completed. Therefore, this information should be regarded neither as a final statement on the occurrence of any species or concern, nor as a substitute for on-site surveys for species as part of environmental assessments. Also, because the Manitoba CDC's Biotics database is continually updated and because information requests are evaluated by type of action, any given response is only appropriate for its respective request.</i></p>	<b>Con-WS</b>
<i>Truck Haul Routes and Access Points</i>	<b>X</b>	<i>Based on the traffic information provided MIT has no concerns with this proposed development.</i>	<b>MIT</b>

Con-WS – Conservation and Water Stewardship

LG- Local Government

MAFRI- Manitoba Agriculture, Food and Rural Initiatives

MIT – Manitoba Infrastructure and Transportation

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## **D. PUBLIC COMMENTS & DISPOSITIONS**

**There were no public comments received during the public review period (July 3, 2012 –August 3, 2012).**

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## E. RECOMMENDATIONS

Based on the Site Assessment submitted by the producer and available information, the Technical Review Committee recommends the following appropriate practices, measures and safeguards be taken in addition to any additional measures identified through subsequent Provincial and Federal licensing or permitting in order to minimize any identified risks to health, safety and the environment.

### **Recommended Actions to Council**

- As per Section 114(1) of The Planning Act, Council must set a date for a Conditional Use hearing which must be at least 30 days after it receives this report
- As per Section 114(2) of The Planning Act, at least 14 days before the date of the hearing, Council must
  - A) send notice of the hearing to
    - (1) the applicant,
    - (2) the minister, (c/o the Selkirk Community & Regional Planning Office)
    - (3) all adjacent planning districts and municipalities, and
    - (4) every owner of property located within three kilometres of the site of the proposed livestock operation, even if the property is located outside the boundaries of the planning district or municipality;
  - B) publish the notice of hearing in one issue of a newspaper with a general circulation in the planning district or municipality; and
  - C) post a copy of the notice of hearing on the affected property in accordance with Section 170 of The Planning Act.
- Council may wish to ask for a contingency plan, provided by the proponent, detailing dead animal disposal method(s) in the event of a catastrophe resulting in mass mortalities;
- Council should specify in its Conditional Use Order, the number of head of each subspecies and the legal location of the animal confinement area(s);
- 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 Selkirk Community & Regional Planning Office); and
  - (c) every person who made representation at the hearing.

### Recommended Actions to Proponent

- The proponent is required to submit an “*Application for Permit to Construct, Modify, or Expand a Manure Storage Facility*” to Manitoba Conservation and Water Stewardship for each MSF to be constructed;
- Construction of a manure storage facility (MSF) shall not commence until a permit is granted by the Director, and adequate notification is given to Manitoba Conservation and Water Stewardship;
- The proponent shall ensure the MSF, alone or in combination with other MSFs located on the property of the agricultural operation, is/are of sufficient capacity to store all livestock manure produced and used by the agricultural operation; and
- Livestock manure shall be stored until such a time that it can be applied as fertilizer.

The overall recommendations represent the consensus of the TRC Members.

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## F. TECHNICAL REVIEW COMMITTEE MEMBERS

Name	Department	Title	Address	Telephone
Don Malinowski Chair	Local Government	Senior Planner, TRC Community & Regional Planning Branch	604-800 Portage Avenue Winnipeg	945-8353
Andrea Bergman	Conservation and Water Stewardship	Technical Review Officer Environmental Programs & Strategies Branch	1007 Century St Winnipeg	619-2230
Petra Loro	MAFRI	Livestock Environment Specialist	545 University Crescent Winnipeg	945-3869

- MB Infrastructure & Transportation has also participated in this review