

## SUMMARY OF COMMENTS/RECOMMENDATIONS

**PROPONENT:** Strathclair Consumers Co-operatives Ltd.  
**PROPOSAL NAME:** Crop Protection Warehouse – R.M. of Strathclair  
**CLASS OF DEVELOPMENT:** 1  
**TYPE OF DEVELOPMENT:** Bulk Materials Handling Facility  
**CLIENT FILE NO.:** 5541.00

### OVERVIEW:

A Proposal was filed on October 6, 2011 by Strathclair Consumers Co-operative Ltd. for the operation of a crop protection products warehouse located on Lots 3 and 4 in the NE ¼ of Section 35, Township 16, Range 22 West in the Rural Municipality of Strathclair. The site will consist of a crop protection products warehouse.

The Proposal was advertised in the Minnedosa Tribune on Friday October 28, 2011 and the Brandon Sun on Saturday October 29, 2011. Copies of the proposal were placed in the Public Registries at the Millennium Public Library, the Western Manitoba Regional Library, Brandon, the R.M. of Strathclair Office, the Manitoba Eco-Network, and the Conservation and Environment Library. The proposal was distributed to the Technical Advisory Committee (TAC) on October 24, 2011. The closing date for TAC and public comments was on November 30, 2011.

### COMMENTS FROM THE PUBLIC:

No public responses were received.

### COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Following is a summary of TAC comments received pertaining to the Proposal. Copies of the original comments from TAC are available in the Public Registries.

#### Manitoba Conservation – Land Programs Branch and Sustainable Resource Policy Management Branch

No comments or concerns.

*Disposition:*

No action needed.

#### Manitoba Conservation – Air Quality Branch

No Comments or concerns.

*Disposition:*

No action needed.

#### Manitoba Conservation - Parks and Natural Areas Branch

No comments or concerns.

*Disposition:*

No action needed.

**Manitoba Conservation - Wildlife and Ecosystem Protection Branch**

The Wildlife and Ecosystem Protection Branch recommended a search for rare or endangered species since the property appears to be grassland.

*Disposition:*

The proponent clarified the proposed site is not grassland or tame hay but a vacant commercial lot in commercial/industrial zoned land within the limits of the Town of Strathclair.

**Manitoba Infrastructure and Transportation**

Manitoba Infrastructure and Transportation commented that existing drainage patterns onto the ditches of PR 354 and PTH 16 are to be maintained. Further all affected slopes, ditches etc. are to be restored to acceptable conditions.

*Disposition:*

This information was provided to the proponent as information.

**Manitoba Water Stewardship**

Manitoba Water Stewardship has reviewed the referenced file, forwarded for comment on October 24, 2011.

- Manitoba Water Stewardship requires an *Environment Act* Licence to include the following:
  - The Licencee shall develop and implement an Emergency Response Plan, including the following:
    - All potentially contaminated water from the site must be contained on the proponent's property. Therefore, secondary containment must incorporate a gated culvert which must remain in the closed position unless authorized by Manitoba Conservation. Where there is a concern that accumulated water is contaminated, the liquid must be sampled prior to release.
    - Potentially contaminated water must not be directed to surface waters, including wetlands. Potentially contaminated water must not be released until approval is obtained from Manitoba Conservation, after a review—by Manitoba Water Stewardship—of water sample test results submitted from a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc. Water samples shall be retrieved from any source on the proponent's property, or adjacent properties that might have been contaminated.
  - The Licencee must meet the guidelines of the Agrichemical Warehousing Standards Association for the proposed development.
- Manitoba Water Stewardship has the following concerns:
  - Since the proposed Development will include the storage of chemicals, the domestic water system needs to be protected with backflow prevention devices as required by The Manitoba Plumbing Code to protect the village water system from risk of contamination by backflow of contaminated water from the proposed Development.
- Manitoba Water Stewardship submits the following comments:
  - Manitoba Water Stewardship does not object to this proposal, at this time.
  - The proponent needs to be informed of the following for information purposes:

- Erosion and sediment control measures should be implemented until all of the sites have stabilized.
- *The Water Rights Act* requires a person to obtain a valid licence to control water or construct, establish or maintain any “water control works.” “Water control works” are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert borehole or contrivance for carrying or conducting water, that temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage, OR changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage. If a proposal advocates any of the aforementioned activities, a person is required to submit an application for a Water Rights Licence to Construct Water Control Works. A person may contact the following Water Resource Officer to obtain an application and/or obtain information.
  - A contact person is Mr. Geoff Reimer C.E.T., Senior Water Resource Officer, Water Control Works and Drainage Licensing, Manitoba Water Stewardship, Box 4558, Stonewall, Manitoba R0C 2Z0, telephone: (204) 467-4450.

*Disposition:*

Comments and concerns are addressed in the draft licence. Comments have been forwarded to the proponent for information.

**Local Government – Community and Regional Planning**

Please be advised that our office has reviewed the TAC circulation for the Environmental Act Proposal for the Strathclair Cooperative Crop Protection Warehouse and note the following:

**Development Plan**

The South Riding Mountain Development Plan has designated the subject property within the Principal Urban Community of Strathclair. Map Four of the Development Plan designates the property as Commercial Area. It appears the proposed crop protection facility complies with policies under Part 4, Section 4.4.

**Zoning By-law**

The subject property, according to our unofficial consolidated By-law No. 15-86, appears to be zoned “CH” Commercial Highway. It appears this property was re-zoned from A80 to CH back in 1998 by By-law amendment no. 5-98. According to Table V-1 of the Zoning By-law, dry fertilizer storage is a conditional use in the “CH” zone. This means the applicant will be required to obtain an approved conditional use order from the RM of Strathclair prior to development of the facility.

The proposed site plan included in the TAC circulation shows a site area of 70,000 square feet. This area complies with the minimum site area for the proposed use in Table V-II “Bulk Requirements”. The site plan shows that as the subject property is defined by the Zoning By-law as a reverse corner site, and therefore, a variation order reducing the side yard setback for the office building from 20 feet to 10 feet will be required unless the site plan layout is revised to comply with the Bulk Use Requirement table. Should the applicant wish to retain the site layout

as shown in the TAC circulation, then the variation order could be obtained at the same time as a conditional use order.

**Site and Situation**

As the proposal is to store dry, non-hazardous fertilizers and as Council supports the proposed location of the facility we have identified no potential land use conflicts at this time.

*Disposition:*

Comments have been forwarded to the proponent for information.

**Canadian Environmental Assessment Agency**

The following comments were received from the Canadian Environmental Assessment Agency:  
Based on a survey of federal departments, application of the Canadian Environmental Assessment Act will not be required for this project. DFO provided a Letter of Advice and Environment Canada (EC) provided a letter with comments regarding the project.

*Disposition:*

The Canadian Environmental Assessment Agency forwarded the letters from Health Canada to the proponent for their consideration in a letter dated November 24, 2011.

**PUBLIC HEARING:**

A public hearing is not recommended.

**CROWN ABORIGINAL CONSULTATION:**

The project will be located on industrial land owned by the proponent. All surrounding land potentially affected is also privately owned industrial, commercial or agricultural zoned land. The project will not affect resource use on land or water. There are no adjacent or nearby First Nations. The nearest First Nation is Keeseekoowenin FN, approximately 12 km north of the proposed development.

**RECOMMENDATION:**

The provincial TAC expressed no concerns, or concerns are addressed in the draft licence, regarding the proposal. Therefore, it is recommended that the Development be licensed under *The Environment Act* subject to the limits, terms and conditions as described on the attached draft Environment Act licence. It is further recommended that enforcement of the Licence be assigned to the Western Region.

PREPARED BY:

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