

## **SUMMARY OF COMMENTS/RECOMMENDATIONS**

**PROPONENT:** Kulbacki Seeds  
**PROPOSAL NAME:** Kulbacki Seeds  
**CLASS OF DEVELOPMENT:** 1  
**TYPE OF DEVELOPMENT:** Bulk Materials Handling Facility  
**CLIENT FILE NO.:** 5821.00

### **OVERVIEW:**

Manitoba Sustainable Development received a Proposal on January 15, 2016 for the construction and operation of a Development being a crop protection products warehouse facility at NW 1-16-16 W in the Rural Municipality of Rosedale, Manitoba. The facility will consist of a 4.6 by 9 meter crop protection chemical warehouse underlain by an exterior containment system.

The Department, on April 15, 2016, placed copies of the Proposal in the Public Registries located at Legislative Library (200 Vaughan Street), the Winnipeg Millennium Public Library and online at <http://www.gov.mb.ca/conservation/eal/registries/index.html> . Copies of the Proposal were also provided to the Technical Advisory Committee (TAC) members. A notice of the Environment Act proposal was also placed in the Neepawa Banner on April 15, 2016. The newspaper and TAC notifications invited responses until May 16, 2016.

### **COMMENTS FROM THE PUBLIC:**

No Comments

**SUMMARY of COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

No	Technical Advisory Committee Member	Response Provided
1	Canadian Environmental Assessment Agency	
2	Manitoba Agriculture – Land Use Branch	
3	Manitoba Sustainable Development –	
	<ul style="list-style-type: none"> <li>• Compliance and Enforcement Branch</li> <li>• Climate Change and Air Quality Branch</li> <li>• Wildlife and Fisheries Branch</li> <li>• Parks and Protected Spaces Branch</li> <li>• Forestry Branch</li> <li>• Aboriginal Relations Branch</li> <li>• Lands Branch</li> <li>• Water Quality Management Section</li> <li>• Groundwater Management Section</li> <li>• Office of Drinking</li> <li>• Water Use Licensing Section</li> <li>• Water Control Works Licensing Section</li> <li>• Regional Services Branch</li> </ul>	<p>April 26, 2016</p> <p>April 18, 2016</p> <p>April 15, 2016</p> <p>May 16, 2016</p> <p>May 13, 2016</p> <p>April 18, 2016</p>
4	Manitoba Culture, Heritage and Tourism – Heritage Branch	
5	Manitoba Innovation Energy and Mines –	
	<ul style="list-style-type: none"> <li>• Energy Development Branch</li> <li>• Petroleum Branch</li> </ul>	
6	Manitoba Infrastructure and Transportation –	
	<ul style="list-style-type: none"> <li>• Flood Forecasting Branch</li> <li>• Highway Planning and Design Branch</li> </ul>	
7	Manitoba Municipal Government	May 16, 2016
8	Manitoba Health – Environmental Health Unit	May 19, 2016
9	Manitoba Labour –	
	<ul style="list-style-type: none"> <li>• Office of Fire Commissioner</li> <li>• Work Place Safety &amp; Health</li> </ul>	

A copy of the responses and the additional information provided can be viewed at the following link:

<http://www.gov.mb.ca/conservation/eal/registries/index.html>

**COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:**

**Manitoba Sustainable Development – Compliance and Enforcement Branch**

No comments or concerns.

**Manitoba Sustainable Development – Wildlife and Fisheries Branch**

No concerns.

**Manitoba Sustainable Development – Parks and Protected Spaces Branch**

No comments or concerns.

**Manitoba Sustainable Development – Lands Branch**

No comments or concerns.

**Manitoba Sustainable Development – Water Use Licensing Section**

No concerns.

**Manitoba Sustainable Development – Water Control Works Licensing Section**

Licensing of water control works provided to the proponent as information.

**Manitoba Municipal Government**

Chemical warehouses – Pesticides/Herbicides, are a conditional use in the Rosedale Zoning By-law no. 5-88 and this proposed warehouse will require a conditional use approval from Council. Please note the following subsection to Agricultural Bulk Table V-II:

*(d) Notwithstanding the above requirements, a stationary anhydrous storage container shall not be located within 350 feet of a residential dwelling (other than that of the owner or operator). A stationary anhydrous ammonia container shall not be located within one-half mile (2640 feet) of any area designated as “RR2” Rural Residential Zone, “CH” Commercial Highway Zone, “GD” General Development Zone.*

The Brandon regional office of Community and Regional Planning has no comments or concerns related to this proposal at this time based on the information provided.

**Manitoba Health – Environmental Health Unit**

No comments.

**PUBLIC HEARING:**

A public hearing is not recommended.

**CROWN-INDIGENOUS CONSULTATION:**

The Government of Manitoba recognizes that it has a duty to consult in a meaningful way with Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of the Indigenous rights of that community.

This proposed facility will be located on a private agricultural land. There would be no infringement of Indigenous rights under Section 35 of the Constitution Act, 1982. Therefore, it is concluded that Crown-Indigenous consultation is not required for the project.

**RECOMMENDATION:**

The Proponent should be issued a Licence for the construction and operation of a bulk material handling facility in accordance with the specifications, terms and conditions of the attached draft Licence. Enforcement of the Licence should be assigned to the Environmental Compliance and Enforcement Branch of Manitoba Sustainable Development.

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