

RIVERDALE MUNICIPALITY

PUBLIC HEARING

Tuesday, April 6th, 2021 at 6:30 PM

RE: representations from any person who wishes to make them in respect to the
Conditional Use Application CU-21-02

AGENDA

1. Welcome and introductions
2. Public Hearing Called to Order
3. Chairman's remarks
4. Introduction and Presentation of Proponent: Adam Mahaney, 10036519 Manitoba Ltd.
5. Presentation by those opposed/in favor
6. Adjournment of Hearing

RIVERDALE MUNICIPALITY

PUBLIC HEARING

DATE: April 6th, 2021

TIME: 6:30 pm

LOCATION: Curling Rink, Riverdale Community Centre, Rivers MB

A Public Hearing was held on Application for a Conditional Use Order under Riverdale Municipality Zoning By-Law 2016-12

Mayor Gill called the Public Hearing to order at 6:30pm with the following members of Council in attendance:

Councillor Dave Falkevitch
Councillor David Creighton
Councillor Ken Tait
Councillor Alastair McFadden
Councillor Ian Dyer
Councillor Everett Smith

Chief Administrative Officer Kat Bridgeman recorded the minutes.

Proponent(s): 10036519 Manitoba Ltd.

Adam Mahaney
Tim Case
Stevie Quinney
Cristiane Camara

The following persons were in attendance:

Micah Waddell	Doug Johannson
Marlin Beaver	Doug Lamoureux
Dustin Boles	Mark Kneeshaw
Al Lepp	Riley Boles
Ruth Pryzner	Rachel Gilingham
Deborah Webster	Eric Thiessen
Michelle McFadden	Gord McFadden
Collette Lepp	Kent Molberg
Derek Little	Rod Pearson
Sonnia Pearson	Lesley McFadden
Jamie McFadden	Jackie Dixon
William Howard	Kyle Dabyson (Brandon Sun)
Jocelyn Beaver	Dale Beaver
Ron Taylor	Aliesha Carew
Eleanor Beaver	Andrew Hamm
Trevor Bartlett	Debby Williams
Charley Sprenger	Ron Krahn
Cliff Penno	Mac Dawson
Cody Sonnenberg	Jake Gill
Chrissy Gill	

Due to Covid-19 social-distancing requirements; RSVP's were required for attendance.

Opening Remarks

Mayor Gill made an opening statement outlining the Purpose and Conduct of the Public Hearing. The hearing will be adjourned at 8:00pm. All in attendance will be notified of a future date pending more information and HRIA assessment report. Only those in attendance will be invited and/or allowed to attend hearing continuation.

Confirmation of Notice:

- Public Notice was in accordance with the Planning Act Requirements for Conditional Use

Council accepted to following documents received prior to the Public Hearing and accepted as part of the minutes:

- 21 Letters of Objection
- 4 Letters of Support
- Petition – 64 Names

Speakers:

Adam Mahaney, representative of 10035619 Manitoba Ltd., proposal:

- Clarification on local Manitoba company with FT staff of 12
- Applied for surface mining operation on Crown Land identified as LS 3 & 6 SW 11-12-21
- Proposing to strip 3-5 acres at a time
- Haul route on municipal road allowance
- Hours of Operation 0700 – 1800, May – November, possible winter hauling
- Estimate draw of 0-50,000 tonnes per year
- 10-20 year life span
- Do not expect any surface ground water effects
- Very few residential homes in area impacted within 1.2 km of area in relation to existing pit on Aspen Road and Road 120
- Plan is to rehab pit in stages
- Proposing small grass area which is less intrusive than existing pits

Tim Case, Western Asphalt spoke on behalf of proponent

- Dedicated to environment
- Stewards of the land
- Have completed many rehab projects
- Involved in rehab project at Rivers Soccer Pitch
- Safety oriented/fencing/work with local owner

Marlin Beaver - OBJECTION

- Lessee of land in question since 1973
- Has renewed lease for additional 15 years with daughter
- Wildlife has restricted previous ability to cultivate 10 acres; why would this be ok
- Disputes proponents claim that there will be no groundwater effects; groundwater supplements adjacent lands
- Concern for herd of elk, whitetails, mule deer; there is a large wildlife population and nothing proposed speaks to the effects on the wildlife
- Concern for leafy spurge in pit and bush area & who will get rid of it
- Objects to proposed haul route; 275 foot stretch on private land; notice effective immediately, there will no longer be any access
- Crown land is a public asset and benefit of Manitobans and not for private gain

Eleanor Beaver – OBJECTION

- Land is home to elk, coyotes, wolves bear/cubs
- Local flora and fauna consists of Prairie Crocus, Tiger Lillies, Prairie Smoke, Meadowlarks, red-headed woodpeckers

Jocelyn Beever – OBJECTION

The following letter was read out and filed

Tuesday, April 6, 2021

Council of RM of Riverdale Rivers, MB ROK 1X0

Dear Councillors,

We oppose the Conditional Use application for the Crown Land SW 11-12-21.

As there are a number of existing quarry pits in this municipality providing various products, we do not see the need to open another until those pits are exhausted. The increase in heavy traffic will damage our already overloaded roads, in addition to an increase in noise pollution and dust. Their proposed mining of 50,000 tonnes per year means an additional 2,000 semi loads per year for the next 20 years on our roads.

As we understand it, this 'application' is to strip mine VIRGIN PRAIRIE grassland and woodlands. (In other words this land has been touched only by Mother Nature with fire, similar to protected areas such as Riding Mountain or Sprucewoods Parks.) This will destroy and disrupt the natural habitat and the wildlife it supports. As we see it there is no financial benefit to the municipality and very little to the community of Rivers. The municipality will need to increase and maintain a new and existing road. This applicant, with its Brandon connection, is not likely to detour to Rivers to shop locally.

As landowners adjacent west and southwest, we oppose this application on the following points:

1. We are experiencing an increase in wildlife in the area. As habitat disappears, wildlife is compressed into smaller and smaller areas. As more species intermingle, both domestic and wild, there is a greater probability of disease transmission. Disease transmission destroyed the cattle industry along Riding Mountain National Park. Currently the elk and deer herds seldom interact with our cattle herd as there is ample grazing for all.
2. Wildlife herd size is controlled by local hunters. This provides environment for bow, muzzle, black powder and rifle hunters.
3. If this proposal is to proceed, the ground cover will be stripped. The bare ground and strippings will be an invitation for invasive plant species such as leafy spurge. Spurge is an increasing problem in this municipality. It is very difficult to control and even more so in woodlands. This will destroy wildlife habitat as they will not eat this vegetation and will be forced to move on. This will also affect our cattle grazing lands.
4. Our past experience from tenant gravel pit users has been they have no vested interest in the site. They leave behind used oil, broken equipment, and other garbage. This leads to an invitation for others to use it as a refuge pit.
5. The applicant has made a passing comment about water. We are VERY CONCERNED about the effects on both the quality and quantity of water this project will have on our land. The wooded acres of the crown land collects snow. The snow tends to melt slowly, recharging the ground water (the water table). Any run off on the western slope collects in a runway on NW 11-12-21. This run way cross drains onto SE10-12-21 and continues southwest to NEB-12-21. The water then flows into ponds created by beaver dams. This is where we have wells. These wells are charged by both surface water and ground water, and are our primary source of water. Even in the driest years, these wells have supported our cattle. Losing the use of this water site would be devastating to our business.

For the following reasons:

- the impact on our farming operation
- the lack of benefit to our community
- the increased cost to the municipality
- the negative impact on many recreational groups - hunters, hikers, skiers, trail riders, dog walkers, berry pickers
- the destruction of native prairie and wildlife habitat
- ***the potential for spread of Leafy Spurge***

We believe this project is not worthy of support.

Dale Beaver
Jocelyn Beaver

Jackie Dixon – OBJECTION

- Lack of date
- Concern for groundwater effects
- Equipment, pollution will devastate native range
- Land will never revert to original state once raised by stripping for gravel
- Why this pit? Why this location? Why not Brandon/Cornwallis?
- What are royalties?
- Spoke to Crown and lease is still pending – please confirm
- There are not many places left for hunting
- So few crown land areas within the municipality
- Concern for lowered property values
- Concern for water quality

Adam – location is better than Brandon for haul distance; economical choice for local projects. Rivers has high quality material; specific material required for projects. Lease agreement – have signed, waiting on return. Adam also expressed concern of being singled out as a non-resident applicant. Has supported and completed projects for the community in recent years

Cliff Penno – OBJECTION

- Lives at the top of the haul route on PTH 25
- Safety concerns in particular for grandchildren; 80,000lb trucks traveling on road and trying to get on to PTH 25. Already sees heavy traffic issues with existing cars, trucks etc.; has counted 65-70 vehicles in 2 hours at approx.. 7:00am

Ruth Pryzner – OBJECTION

The following letter was read out and filed

**Objections to Application for Conditional Use Legal Subdivisions 3 & 6 Section 11-12-21WPM
Riverdale Municipality by Ruth Prvzner, April 6.2021**

1. I checked the Rivers Banner, the Riverdale Municipality website and was unable to locate any notice of this conditional use hearing. I found out about the hearing by chance on Facebook. This is hardly evidence of Riverdale Municipality's claim that it operates in an open,- transparent and accountable manner. It also demonstrates that people's concerns about the Pallister Government's 2018 Bill 19 are correct. Fewer notice requirements means less public engagement. With the addition of an appeal of a municipality's decision on a conditional use application to the Municipal Board, the likelihood of success of an applicant has been greatly enhanced by Bill 19. I note that the public does not have any right of appeal.
2. There is no evidence within the application or background materials that the applicant, Municipality or Province has consulted with Treaty 2 First Nations or Sioux Valley Dakota Nation on this proposed use of their traditional territory which is "Crown Land." The Riverdale Development Plan policy states at Section 1.7.1

Consultation that:

1. **Actions and decisions of the planning district may have impacts on neighbouring communities, including First Nations and other Aboriginal groups. The Development Plan is to be interpreted so as to be respectful of Treaty and Aboriginal rights and any requirements for consultation.**
3. Justice Scott Abel in his decision in the case Ruth Pryzner and Joe Doleck v. Riverdale Municipality clearly stated at paragraph 54 that **“There is no dispute that the RM has an obligation to consult with local Indigenous groups that may be affected by development decisions made by the RM/”**
4. Therefore this conditional use application must be adjourned until proper consultation has occurred. While Justice Abel is silent on how consultation is initiated, it is logical to conclude that if consultation is required then Riverdale Municipality must give notice of this proposed development to Treaty 2 and Sioux Valley Dakota Nation before proceeding with any conditional use approvals. Consultation requires consent and compensation.
5. The Crown Collects royalties for the aggregate extracted. If no royalties are to be remitted to Treaty 2 we have yet again ignored our Treaty with Treaty 2. Governments at all levels pay lip- service to reconciliation yet, here again there is no evidence that the Treaty 2 people will benefit in any way from the use of this aggregate resource by Colonial governments extracted from Treaty 2 traditional lands. The Crown in Treaty 2 took up lands for settlement and immigration only. There was no mention of the taking up or sharing of natural resources with settlers and immigrants in this Treaty. Given that the aggregate extraction in this application is to come from “Crown Lands” it is troubling that there is no agreement anywhere that Treaty 2 will benefit at all from the extraction of aggregate in the proposed quarry. It is shameful that governments continue to sanction the taking of resources by companies and individuals from traditional indigenous lands and refuse to acknowledge, be respectful of and act in a manner that is consistent with Aboriginal rights and our Treaty obligations.
6. Sioux Valley Dakota Nation also has historical territorial claims in this area. SVDN has not been consulted, consent obtained and if consent is given, also should be financially benefiting from the use of this aggregate resource.

Alvin Lepp – OBJECTION
See letter

Trevor Bartlett – OBJECTION

- Already has concerns with current pits already causing noise/crushing 24 hours/day

Ron Taylor – OBJECTION

- Assumes council will defeat conditional use and wants to know if Province will just overturn

Rod Pearson – OBJECTION

- Already nears adjacent to one; issues with dust, gravel, speed of trucks; trucks turn gravel to powder and regular car traffic naturally creates dust

Al Lepp – Is there a possibility that the aggregate will be trucked out of the area?
Out of the province?

Rachel Gillingham –
How are you planning on accessing the property?

Ruth Pryzner – Is proponent willing to supply information (leases) to public

Adam – it is not economical to move aggregate a long distance (3 hrs)

1 written objection(s) was filed with the Chief Administrative Officer during the Public Hearing.

1 additional page to the petition was filed at the public Hearing with 6 additional names

The Public Hearing was adjourned at 8:05 pm.