

ADDENDUM N: LAND USE SPECIALIST ASSESSMENT OF USE

From: Erb, Michelle (AGR)
To: 17(1)(3)(d)
Cc: Heard, John (AGR); Pochailo, Janis (MR)
Subject: RE: Peat Moss
Date: May 13, 2019 11:46:08 AM

Hello 17(1)(3)(d)

Further to our telephone call, here are some answers to your questions below.

I confirmed with the Department of Sustainable Development that there has been **no** re-classification of peat moss as an agricultural product. *The Peatlands Stewardship Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/p031e.php>), which was proclaimed in June of 2015, transferred authority from Mines and Minerals branch to Sustainable Development, specifically the Forestry and Peatlands branch. Harvesting peat on Crown land requires a Peat Harvest Licence, in addition to Environmental Act licences, water drainage licence, etc. Harvesting peat on private lands would not require a peat harvest licence but would require an Environment Act Licence and possibly a water drainage licence.

Under *The Environment Act*, the Classes of Development Regulation defines "mineral" as "all non-living substances formed by the processes of nature which occur on or under the surface of the ground irrespective of chemical or physical state, and includes peat and peat moss, but does not include agricultural soil, surface water or ground water;" and "mine" as "an opening or excavation in the ground used to remove a mineral or mineral bearing substance, and include an associated milling facility;". Mines are listed as a Class 2 Development and section 11 of the Act requires that all Class 2 Developments obtain a valid licence.

I did ask about licencing requirements for a peat processing plant and was informed that those typically fall under "manufacturing and industrial plant" which is defined as "a plant which manufactures, handles or processes a product and which causes the discharge of a pollutant into the air, water or soil;" and would also need a Class 2 Development Licence.

For your information, *The Environment Act* can be found here:

<http://web2.gov.mb.ca/laws/statutes/ccsm/e125e.php> and the Classes of Development Regulation can be found here: http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=164/88

With respect to the RM of Springfield resolving to amend the definition of agricultural activities to include peat, this would require an amendment to the Municipal Zoning By-law, with public hearing and would be circulated to provincial agencies for review. I would direct you to the definition of an agricultural operation under the Provincial Planning Regulation which does not list peat harvesting or extraction. Peat harvesting or extraction would be considered a resource-related activity, not an agricultural activity.

agricultural operation means an agricultural, horticultural or silvicultural operation that is conducted in order to produce agricultural products on a commercial basis, and includes

- a) the production of crops, including grains, oil seeds, hay and forages, and horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs and greenhouse crops;
- b) the use of land for livestock operations and grazing;
- c) the production of eggs, milk and honey;
- d) the raising of game animals, fur-bearing animals, game birds, bees and fish;
- e) the processing necessary to prepare an agricultural product for distribution from the farm gate;
- f) the operation of agricultural machinery and equipment, including the tillage of land