

Decision Summary RA22026

This document summarizes my reasons for denying application for Approval RA22026 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA22026. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca under Confined Feeding Operations (CFO)/CFO Search. My decision is based on the act and its regulations, the policies of the NRCB, the information contained in the application, and all other materials in the application file.

Under AOPA this type of application requires an approval. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On October 12, 2022, Rimrock Cattle Company Ltd. (Rimrock Cattle) submitted a Part 1 application to the NRCB to expand an existing CFO.

The Part 2 application was submitted on October 31, 2022. On November 9, 2022, I deemed the application complete.

The land is currently owned by Korova Feeders Ltd. However, the applicant has advised me that ownership of the feedlot transferred to Rimrock Cattle Company Ltd. in April 2022. While I refer to the applicant as Rimrock Cattle, if the application were to be approved I would consider Rimrock Cattle Company Ltd. and Korova Feeders Ltd. to be co-permit holders.

The proposed expansion involves increasing livestock numbers from a combination of 7,000 beef feeders and 7,000 beef finishers, to a total of 28,000 beef finishers (and no beef feeders).

The applicant was previously permitted to construct a two additional rows of feedlot pens (rows 5 and 6). However, if application RA22026 were to be issued, they would not build these rows, and they would be removed as permitted CFO facilities.

a. Location

The existing CFO is located at Section 28-29-25 W4M in Kneehill County, roughly two kilometres east of the Village of Acme. The terrain slopes gently to the north.

b. Existing permits

In 2018, the NRCB issued Approval RA17076 to Korova Feeders. This permit allows Korova Feeders Ltd. to construct and operate a 7,000 beef feeder plus 7,000 beef finisher CFO.

2. Notices to affected parties

Under section 19 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are “affected” by an approval application. Section 5 of AOPA’s Part 2 Matters Regulation defines “affected parties” as:

- In the case where part of a CFO is located, or is to be located, within 100 m of a bank of a river, stream or canal, a person or municipality entitled to divert water from that body within 10 miles downstream
- the municipality where the CFO is located or is to be located
- any other municipality whose boundary is within a specified distance from the CFO, depending on the size of the CFO
- all persons who own or reside on land within a specified distance from the CFO, depending on the size of the CFO

For the size of this CFO the specified distance is 4.0 miles. (The NRCB refers to this distance as the “affected party radius.”)

The site is not located within 100 m of a bank of a river, stream or canal; therefore, additional notification is not required.

A copy of the application was sent to Kneehill County, which is the municipality where the CFO is located, and to the Village of Acme which has a boundary within the affected party radius.

The NRCB gave notice of the application by public advertisement in a weekly newspaper in circulation in the community affected by the application. In this case, public advertisement was in the Three Hills Capital on November 9, 2022. The full application was made available for viewing during regular business hours and was posted on the NRCB website for public viewing. As a courtesy, 533 letters were sent to people identified by Kneehill County and the Village of Acme as owning or residing on land within the affected party radius.

3. Notice to other persons or organizations

Under section 19 of AOPA, the NRCB may also notify persons and organizations the approval officer considers appropriate. This includes sending applications to referral agencies which have a potential regulatory interest under their respective legislation.

Referral letters and a copy of the complete application were emailed to Alberta Health Services (AHS), Alberta Environment and Protected Areas (EPA), Alberta Transportation & Economic Corridors (TRAN).

I also sent a copy of the application to Taqa North Ltd., ATCO Gas and Pipelines Ltd., and Whitecap Resources Ltd. (formerly NAL Resources Ltd.) because they are utility right of way holders.

Ms. Sonam Khaira, an executive officer, responded on behalf of AHS. Ms. Khaira provided several general comments on management and best practices. Ms. Khaira expressed a concern with the proximity of the pen to surface water bodies located on the north/north east quarter; however, she stated that she had not visited the site. I discuss these comments in section 9, below.

No other responses were received.

4. Alberta Land Stewardship Act (ALSA) regional plan

Section 20(10) of AOPA requires that an approval officer must ensure the application complies with any applicable ALSA regional plan.

There is no ALSA regional plan for the area where the proposed expansion is to be located.

5. Municipal Development Plan (MDP) consistency

I have determined that the proposed expansion is inconsistent with Policy 11 (iii), a land use provision in the agriculture section of Kneehill County's municipal development plan. Policy 11 (iii) of the MDP states that no new or expansions of existing confined feeding operations shall be allowed within 1.6 kilometers (1 mile) of an urban fringe or an intermunicipal development plan boundary.

While not within the IDP plan boundary itself, the CFO is located within 1.6 kilometers (1 mile) from the IDP boundary between Kneehill County and the Village of Acme. Therefore the proposed expansion is inconsistent with the County's land use provision, Policy 11(iii) (agriculture) of the MDP.

In accordance with AOPA Section 20(1)(a), because there is an inconsistency with the MDP land use provisions, I am required to deny the application. (See Appendix A for a more detailed discussion of the county's planning requirements.)

6. AOPA requirements

Despite being inconsistent with the land use provisions of the county's MDP, I nevertheless reviewed the application to determine if it was consistent with respect to the technical requirements set out in the regulations. The proposed CFO expansion:

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS), with the use of expansion factor
- Has sufficient means to control surface runoff of manure
- Meets AOPA's nutrient management requirements regarding the land application of manure
- Meets AOPA groundwater protection requirements for the design of floors and liners/protective layers of manure storage facilities and manure collection areas

If the NRCB's Board directs that an approval be issued, following a review hearing, I have provided recommendations on conditions to be considered. (See Appendix D)

7. Responses from municipalities and other directly affected parties

Directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application and are entitled to request an NRCB Board review of the approval officer's decision. Not all affected parties are "directly affected" under AOPA.

Municipalities that are affected parties are identified by the act as "directly affected." Kneehill County is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Ms. Barb Hazelton, manager of planning and development, provided a written response on behalf of Kneehill County. Ms. Hazelton stated that the application is not consistent with Kneehill County's land use provisions of the municipal development plan because it is located within 1.6

kilometers (1 mile) of an Intermunicipal Development Plan (IDP) boundary. The application's consistency with Kneehill County's municipal development plan is addressed in part 5, above, and in Appendix A, attached.

The Village of Acme is an affected party, as its boundary falls within the affected party radius. The village is also a directly affected party under section 19(6) of AOPA.

Apart from municipalities, any member of the public may request to be considered "directly affected." The NRCB received responses from 20 other parties.

Of the 20 parties who submitted responses, 19 own or reside on land within the 4 mile notification radius for affected persons. Because of their location within this radius, and because they submitted a response, they qualify for directly affected party status. (See NRCB Operational Policy 2016-7: Approvals, part 6.2). All 19 responses were received by the deadline.

One of the respondents does not own or reside on land within the 4 mile radius for affected persons. The response was also received after the deadline, and did not provide an explanation why they were unable to meet the deadline. Because of this, I did not consider this party to be directly affected by the approval application and did not consider their response. Appendix B sets out my reasons for determining which respondents are directly affected.

The directly affected parties raised concerns regarding odour, water usage, traffic/road use, nuisances (flies, garbage), groundwater and surface water contamination, manure management, property values, the feedlot industry, weeds, other sites owned by the applicant, and how the applicant can expand without construction. These concerns are addressed in Appendix C.

8. Environmental risk of CFO facilities

When reviewing a new approval application for an existing CFO, NRCB approval officers assess the CFO's existing buildings, structures, and other facilities. In doing so, the approval officer considers information related to the site and the facilities, as well as results from the NRCB's environmental risk screening tool (ERST). The assessment of environmental risk focuses on surface water and groundwater. The ERST provides for a numeric scoring of risks, which can fall within either a low, moderate, or high risk range. (A complete description of this tool is available under CFO/Groundwater and Surface Water Protection on the NRCB website at www.nrcb.ca.) However, if those risks have previously been assessed, the approval officer will not conduct a new assessment unless site changes are identified that require a new assessment, or the assessment was supported with a previous version of the risk screening tool and requires updating. See NRCB Operational Policy 2016-7: Approvals, part 8.13.

In this case, the risks posed by Rimrock Cattle's existing CFO facilities were assessed in 2018 using the ERST. According to that assessment, the facilities posed a low potential risk to surface water and groundwater.

Although the applicant has not proposed to construct any new facilities, they are proposing to increase the amount of livestock (and therefore, manure) on site. As a result, I completed a new assessment.

My assessment found that the existing facilities pose a low potential risk to groundwater and surface water.

9. Other factors

I have found the application is not consistent with the MDP land use provisions, and I am denying the application on that basis. However, to assist the Board in the event of a review of my denial decision, I will discuss other things that AOPA would require me to consider if I were to issue a permit.

AOPA requires approval officers to consider matters that would normally be considered if a development permit were being issued. The NRCB interprets this to include aspects such as property line and road setbacks related to the site of the CFO. (Grow North, RFR 2011-01 at page 2). Approval officers are limited to what matters they can consider though as their regulatory authority is limited.

Ms. Hazelton stated that the existing facilities meet the required setbacks to county road allowances. She also noted that the feedlot pens overlap quarter (section) lines; however, since they could be removed if one quarter section sold, she concluded that Kneehill County did not have any concerns with the pens.

Ms. Khaira expressed a concern with the proximity of the pens to surface water bodies located on the north/north east quarter. I e-mailed Ms. Khaira to learn more about her concerns; however, she did not respond. I believe the surface water bodies Ms. Khaira is referring to are the existing catch basin (containing manure impacted runoff from the feedlot), and the feedlot's freshwater reservoir. The catch basin is not a water body, as it is a CFO facility. The feedlot's freshwater reservoir is not considered a common body of water. As the application meets AOPA's groundwater and surface water requirements, and without further information from Ms. Khaira, I consider this concern as addressed.

I have considered the effects the proposed CFO expansion may have on natural resources administered by provincial departments. A copy of the application was provided to EPA, however, no response was received.

I am unaware of any active *Water Act* applications or EPEA applications regarding the location. If additional water licensing is needed, an application is required by EPA. EPA has not made me aware of any statements of concern submitted under section 73 of the *Environmental Protection and Enhancement Act* or section 109 of the *Water Act* in respect of the subject of this application.

I am not aware of any written decision of the Environmental Appeals Board for this location (<http://www.eab.gov.ab.ca/status.htm>, accessed February 27, 2023).

Finally, I considered the effects of the proposed CFO expansion on the environment, the economy, community, and the appropriate use of land.

Consistent with NRCB policy (Approvals Policy 8.7.3), I presumed that the effects on the environment are acceptable because the application meets all of AOPA's technical requirements. In my view, this presumption is not rebutted and the directly affected parties' concerns have been addressed.

Consistent with NRCB policy (Approvals Policy 8.7.3), if the application is consistent with the MDP then the proposed development is presumed to have an acceptable effect on the economy and community. In my view, this presumption of acceptability does not apply because the application is not consistent with Kneehill County's MDP land use provisions.

I also considered whether the proposed expansion is an appropriate use of land (see NRCB Operational Policy 2016-7: Approvals, 8.7.3). In my view, any presumption of an appropriate use of land does not apply as the application is not consistent with the land use provisions of Kneehill County's MDP.

10. Conclusion

Application RA22026 is denied because the proposed expansion is inconsistent with the land use provisions in Kneehill County's MDP.

However in case the NRCB's board members, following a review hearing of this decision, decide that an approval should be issued, Appendix D (attached) provides my recommendations on the conditions that should be considered if a permit is issued.

The CFO's previous approval RA17076 remains in effect.

March 2, 2023

(Original signed)
Lynn Stone
Approval Officer

Appendices:

- A. Consistency with the municipal development plan
- B. Determining directly affected party status
- C. Responses from directly affected parties
- D. Conditions for consideration (if the decision is overturned following a review)

APPENDIX A: Consistency with the municipal development plan

Under section 20 of AOPA, an approval officer may only approve an application for an approval or amendment of an approval if the approval officer holds the opinion that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP).

This does not mean consistency with the entire MDP. In general, “land use provisions” cover MDP policies that provide generic directions about the acceptability of various land uses in specific areas.

Conversely, “land use provisions” do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. Similarly, section 20(1.1) of the act precludes approval officers from considering MDP provisions “respecting tests or conditions related to the construction of or the site” of a CFO or manure storage facility, or regarding the land application of manure. (These types of MDP provisions are commonly referred to as MDP “tests or conditions.”) “Land use provisions” also do not impose procedural requirements on the NRCB. (See NRCB Operational Policy 2016-7: Approvals, part 8.2.5.)

Rimrock Cattle’s CFO is located in Kneehill County and is therefore subject to that county’s MDP. Kneehill County adopted the latest revision to this plan on February 23, 2021, under Bylaw #1829.

As relevant here:

Policy 11 of the agriculture section of the MDP states that “[n]o new or expansions of existing confined feeding operations (CFOs) will be allowed in the following:

- (i) In hazard lands or environmentally sensitive lands as defined by the province and the 2010 Summit Report,
- (ii) Within 1.6 kilometres (1 mile) of any hamlet or grouped Country Residential development, or
- (iii) Within 1.6 kilometers (1 mile) of an urban fringe area or an Inter-municipal Development Plan boundary”

Rimrock Cattle’s proposed CFO expansion is not located in hazard lands or environmentally sensitive areas in sub point (i). It is also not within the setback to a hamlet or grouped Country Residential Development (sub point (ii)), nor is it within the setback of an urban fringe area (sub point (iii)).

However, Rimrock Cattle’s CFO site is located within 1.6 kilometers (1 mile) of the Village of Acme/Kneehill County Intermunicipal Development Plan boundary (sub point (iii)). Therefore, the application is not consistent with Policy 11(iii) (Agriculture) of the MDP. The following explains my opinion.

The IDP was adopted on March 24, 2020 under Kneehill County bylaw #1807.

Under the heading “Plan Area,” the IDP discusses “Plan Area Residential & Commercial Uses Zone 1” and “Plan Area Commercial & Industrial Uses Zone 2.” Both refer to Schedule 1 of the IDP, which shows the Village of Acme, and highlighted “Intermunicipal Zones”. It was not initially clear to me that the two “intermunicipal zones” were intended to identify the whole IDP area. To clarify this, on December 19, 2022, I emailed Ms. Hazelton and inquired where the IDP setback

would be measured from. She stated that the highlighted quarter sections of land (denoted by pink and yellow colours) are where the 1.6 kilometre (1 mile) setback from the IDP boundary would start. Therefore, I interpret that the highlighted quarter sections of land (not white) indicated as “intermunicipal zones” on Schedule 1 are intended to be the IDP plan area. As illustrated on page 29 of Technical Document RA22026, the CFO site is less than 1.6 kilometres (1 mile) from the IDP boundary, and is therefore inconsistent with this MDP provision. The county’s response supports my conclusion.

APPENDIX B: Determining directly affected party status

The following individuals qualify for directly affected party status because they submitted a response to the application and they own or reside on land within the “affected party radius,” as specified in section 5(c) of the Agricultural Operation, Part 2 Matters Regulation:

Clifford & Myrena Miller	No physical address provided; however, they are on the list provided by the Village of Acme as landowners within four miles of the CFO
Jennifer Anderson	Resides within the Village of Acme
Ethel Kostrosky (MDCJ Holdings)	16-29-25 W4
Mike and Carol Kostrosky	NE 16-29-25 W4
Jim and Janice Northcott	SE 32-29-25 W4
Denver and Myrna Eitzen	NW 4-30-25 W4
Reg and Alice Klassen	SE 3-30-25 W4
Garrett and Erin Davis (Downsview Farm)	SE 34-29-25 W4
Perry Eitzen	NW 24-29-25 W4
Patrick Unruh	NW 15-29-25 W4
Les Arich	No physical address provided; however, he is on the list provided by the Village of Acme as a landowner within four miles of the CFO
Jeff and Kathleen Northcott	SE 32-29-25 W4
Barb Bauer	SE 30-29-24 W4
Jim Bauer	SE 30-29-24 W4, plus others
Leigh Boles	NW 34-29-25 W4
Mary Lynn Patterson	NW 27-29-25 W4, plus others
Tim Toews	SE 23-29-25 W4, plus others
Michelle Boake	NE 15-29-25 W4
George Frede and H. Ingrid Frede	SW 5-30-25 W4, plus others

(See NRCB Operational Policy 2016:7 – Approvals, part 6.2.)

A person who is not specified in section 5 of the Part 2 Matters Regulation as an affected party can also qualify for directly affected party status. However, they have the burden to demonstrate they are directly affected by the application. Carmen Smallman (29-29-24 W4M) submitted a response to the application that may fall under this category. However, she submitted a response at 10:45 pm on the final day for submissions and did not identify exceptional circumstances as to why her response should be accepted.

In addition to the response being unacceptable for being late, in my view Ms. Smallman also does not qualify as a directly affected party. Under NRCB policy, a person who is not “affected” under the regulation has the burden of demonstrating that they are directly affected by an application. In order to meet their burden of proof, the person has to demonstrate all the following five elements (see NRCB Operational Policy 2016:7 – Approvals, part 6.3):

1. A plausible chain of causality exists between the proposed project and the effect asserted;
2. The effect would probably occur;
3. The effect could reasonably be expected to impact the party;
4. The effect would not be trivial; and

5. The effect falls within the NRCB regulatory mandate under AOPA.

I assessed the content of Ms. Smallman's response. Using these factors, I conclude that Ms. Smallman has not adequately met the burden of proof to be considered directly affected by the application. Her brief response focused on the applicant's water usage. Very little detail was provided about what effects she believes would occur from the proposed expansion, and how it would impact her. Regardless, water licensing and use falls under the *Water Act* which is administered by EPA, not the NRCB. Therefore, I conclude that even if the response had been received before the deadline, Ms. Smallman would not qualify as a directly affected party.

APPENDIX C: Responses from directly affected parties

Several of the directly affected parties stated that although they have concerns, the CFO has some benefits. They acknowledged that the applicant is a strong supporter of the community, and the feedlot provides employment opportunities and enhances the local economy.

Concerns from directly affected parties

The directly affected parties raised the following concerns: odour, water usage, traffic/road use, nuisances (flies, garbage), groundwater and surface water contamination, manure management, property values, the feedlot industry, weeds, other sites owned by the applicant, and how they can expand without construction.

The responses were forwarded to the applicant, who did not provide comments on them.

Odour and flies- Most parties expressed concerns about odour from the facilities and spreading lands, and the potential increase in flies.

Approval Officer's conclusion:

AOPA's minimum distance separation (MDS) is a means for mitigating odour and other nuisance impacts from CFOs. Rimrock Cattle's proposed CFO expansion is located outside of the required MDS from other existing residences.

Notwithstanding the CFO's distance to its nearest neighbours, it is reasonable to expect that there will be some odour emissions and other potential nuisance impacts from the CFO.

Section 24(1) of the Standards and Administration Regulation requires manure to be incorporated within 48 hours of application when it is applied to cultivated land. Incorporation reduces odours by working the manure into the soil. This type of land application of manure is typically limited to once or twice per year and are typically of short duration. Odours from manure spreading typically do not persist for extended periods of time.

Under section 24(5)(a) of that regulation, manure does not need to be incorporated after surface application on forages, or on no-till cropland, in order to conserve the soil. However, the manure must be applied at least 150 metres from any residence. This setback helps mitigate the odour from manure spreading without incorporation.

Operators are expected to control flies at their operation. If necessary, the NRCB can require the operator to adopt a fly control program.

Often, any issues that arise relating to the operation of a CFO, and other disagreements, can be resolved through good communication between neighbours and the CFO operator. However, if a member of the public has concerns regarding a CFO, including whether or not the operation is complying with AOPA, they may contact the NRCB through its response line (1-866-383-6722). An NRCB inspector will follow up on the concern.

Water usage- Most parties expressed concerns about how the CFO would obtain sufficient water (both surface and ground water) to support the increase in livestock.

Approval Officer's conclusion:

Alberta Environment and Protected Areas (EPA) is directly responsible for licensing the use of groundwater and surface water under the *Water Act*. As noted in Technical Document RA22026, Rimrock Cattle acknowledges that they are aware that they must obtain adequate licensing. Part of the licensing process involves ensuring that others using the same water supply are not impacted by additional water consumption. Neighbours have the opportunity to provide input on the water license as the process includes providing public notice.

Traffic/road use- Several parties expressed concerns about an increase in traffic volume, safety, and road dust.

Approval Officer's conclusion:

Local roads are under the jurisdiction of Kneehill County. In their response, Kneehill County did not raise concerns regarding road use. Typically, local municipalities and CFO operators work together, if road use or dust becomes a challenge.

Provincial roads, including highways, are under the jurisdiction of Alberta Transportation & Economic Corridors (TRAN). A copy of this application was sent to TRAN. TRAN did not provide comments on this application.

Garbage- Several respondents commented on excess garbage in the area, such as silage plastic.

Approval Officer's conclusion:

Regulating littering is outside of the scope of AOPA.

Groundwater contamination- A few respondents expressed concern about the possibility of groundwater contamination, but did not elaborate.

Approval Officer's conclusion:

The existing facilities meet all AOPA technical requirements. Several of these requirements are designed to prevent or minimize manure leakage from CFO facilities and thus to prevent manure from reaching and contaminating groundwater. Because the existing facilities meet or exceed these requirements, I conclude that the level of risk posed by these facilities to groundwater is acceptable.

As noted in the decision summary, the CFO's existing facilities were assessed using the NRCB's environmental risk screening tool (ERST). The assessment found that the facilities pose a low potential risk to groundwater.

Manure management- Several respondents expressed concern about how the applicant will manage manure from the site, including if they have sufficient spreading land.

Approval Officer's conclusion:

The applicant is required to follow all AOPA requirements; section 24 of the Standards and Administration Regulation sets out the requirements for the land application of manure.

Section 24 discusses how manure can be applied to the land, setbacks to common bodies of water and water wells, and prohibits spreading manure on snow-covered or frozen land (unless permission has been given by the NRCB).

As noted in Technical Document RA22026, the applicant has provided evidence to show that they have sufficient land base to support the spreading of the manure generated from the CFO site.

Complaints about CFOs, including manure spreading and management, can be reported to the NRCB's response line (1-866-383-6722). An NRCB inspector will follow up on the complaint.

Surface water contamination- Several parties discussed concerns about general surface water contamination.

Approval Officer's conclusion:

The existing catch basin is designed to capture manure impacted runoff from the feedlot pens. Rimrock Cattle's catch basin meets the minimum storage capacity requirements for a 1 in 30 year rainfall event. This requirement is in place to prevent manure impacted runoff from leaving the site.

As noted in the decision summary, the CFO's existing facilities were assessed using the NRCB's environmental risk screening tool (ERST). The assessment found that the facilities pose a low potential risk to surface water.

Property Values- Several parties expressed concerns that the proposed expansion would negatively affect their property values, but did not otherwise elaborate.

Approval Officer's conclusion:

In previous board decisions, the NRCB's board members have consistently stated that concerns regarding effects on land or property values are "not a subject for [the board's] review under AOPA or for approval officer's consideration." According to the board, impacts on property values are a "planning matter dealt with by municipalities in municipal development plans and land use bylaws." (See Pigs R Us Inc. RFR 2017-11/BA170025 at 6).

Health Effects- One party expressed concerns that the proposed expansion would affect the health of neighbours. The party expressed concerns regarding asthma, allergies, "CPOD", breathing conditions, and e.coli.

Approval Officer's conclusion:

Approval officers generally refer applications to Alberta Health Services (AHS) for its information, and for it to respond to any potential health issues related to the proposed expansion. The NRCB referred the application to AHS for its comments; AHS provided general comments on management and best practices.

General air quality is addressed and mitigated by the minimum distance separation (MDS), guidelines and industry best practices. AOPA's MDS is a means for mitigating odours and other nuisance impacts from CFO facilities. Rimrock Cattle's existing CFO is located outside of the required MDS from other existing residences. It is presumed that nuisance effects from the CFO facilities are acceptable if the MDS has been met.

Feedlot Industry- A few respondents expressed concerns about the overall feedlot industry, including greenhouse gas emissions, toxic gases, grain based diets, inadequate shelter, and larger feedlots taking over smaller lots.

Approval Officer's conclusion:

AOPA requires me to assess the application in front of me; Rimrock Cattle's application meets all of AOPA's technical requirements. AOPA does not allow me to consider the overall feedlot industry. Therefore, I will not consider this in my decision on this application.

Weeds, other grasses - One respondent expressed concern about impact to grasslands, and weeds affecting her property.

Approval Officer's conclusion:

AOPA does not require approval officers to assess or consider noxious weed control when considering CFO applications, as it is regulated by the *Weed Control Act* under Alberta Agriculture and Irrigation.

Other sites owned by applicant - One respondent expressed concerns about odour challenges at a different feedlot in Alberta, that is owned by the same applicant.

Approval Officer's conclusion:

My assessment is for the CFO site as stated in the application. Considering a different CFO is outside of the scope of this application. Therefore, it is not part of my consideration for RA22026.

How they can expand without construction - Several respondents have questioned how the site is able to increase its permitted livestock numbers, without any additional construction.

Approval Officer's conclusion:

I have discussed this concern with the applicant. Most of their pens are partially covered with roller compacted concrete (RCC), on top of their permitted clay liner. The applicant reports that by using RCC, they are able to reduce their overall footprint (square footage per head), while seeing improvements in animal health, performance, and pen conditions. They also note that they can reduce the amount of manure removed from pens to spread, since RCC typically requires less bedding material and a reduced amount of clay mixed in with the manure. With these improvements, the applicant believes that they will be able to accommodate the increase in livestock numbers within their existing permitted CFO facilities.

APPENDIX D: Conditions for consideration (if the decision is overturned following a review)

If the NRCB's Board, following a review hearing, were to overturn my decision and direct me to issue a permit for this application, I would propose that the following condition be considered for inclusion in a permit.

The applicant is not proposing any construction with this application. Furthermore, they have met the necessary construction conditions in the previous permit. Therefore, no new construction or inspection conditions are required. However, I would recommend that a permit would include a general condition requiring the permit holder to comply with the requirements of AOPA, and to adhere to the descriptions contained in the filed application.

Additionally, should this decision be overturned, I would recommend amending the permitted facilities at this CFO to reflect that pen rows 5 and 6 are no longer going to be constructed.