

Natural Resources Conservation Board Annual Report 2012-13

### Vision, Mission and Values

**Our vision:** to be a respected decision-maker, exemplifying integrity and foresight

in the best interests of Alberta.

**Our mission:** as a quasi-judicial and regulatory agency, the NRCB makes impartial

and knowledge-based decisions across two distinct mandates:

 Under the Natural Resources Conservation Board Act, the NRCB decides if natural resource projects are in the public interest, considering social, environmental and economic effects, and

 Under the Agricultural Operation Practices Act, the NRCB fulfills applications and compliance responsibilities, administers and advances policies, and conducts board reviews for confined feeding operations.

Our values: in achieving our mission, we honour the NRCB's core values of integrity,

fairness, respect, excellence and service.

This annual report replaces the Natural Resources Conservation Board's year in review and quarterly reports. The financial reports are provided in the annual report issued by Environment and Sustainable Resource Development.



It is a pleasure and a great responsibility to chair the Natural Resources Conservation Board, something I have very much enjoyed since joining the board in 2006. The Natural Resources Conservation Board has a small, diverse group of board members, made up of Jim Turner, Donna Tingley and Jay Nagendran. The diversity of each member's background ensures that the board brings a broad environmental, socio-economic and fiscal perspective to its decisions under both the *Natural Resources Conservation Board Act* (NRCBA) and the *Agricultural Operation Practices Act* (AOPA), providing Albertans with decisions that are in the public interest.

The Natural Resources Conservation Board was created in 1991 under the *Natural Resources Conservation Board Act* as a quasi-judicial, arms-length agency to assess the public interest of natural resources projects in Alberta. In 2002, it was given the additional responsibility of regulating confined feeding operations.

The board's quasi-judicial functions, carried out by the chair and board members, are independent of the Government of Alberta. The chair and board members are responsible for the governance of the Natural Resources Conservation Board and report through the chair to Diana McQueen, Minister, Environment and Sustainable Resource Development. The Natural Resources Conservation Board is also responsible to Agriculture and Rural Development for the regulation of confined feeding operations under the Agricultural Operation Practices Act. The chair and board members provide an appeal function for decisions made by approval officers and inspectors.

The Natural Resources Conservation Board works closely with Environment and Sustainable Resource Development and other departments and agencies. We collaborate on many cross ministry projects, including the *Alberta Land Stewardship Act*, the Clean Air Strategic Alliance and Water for Life. We also maintain shared service agreements with the Alberta Energy Regulator and the Alberta Utilities Commission. Board members are appointed to the Surface Rights Board, the Land Compensation Board and other agencies as required.

Our board staff are extremely committed and competent. With many years of combined experience, they provide a high level of service for all the individuals they are in contact with during any review or hearing process, in addition to their regular duties. The scientific and engineering expertise of our science and technology division contribute great value to the environmental impact assessment process, and assist the board during hearings under the *Natural Resources Conservation Board Act*. They also act as excellent resources to our field staff, providing expert evaluation of science-based challenges to approval officer and inspector decisions.

Thanks to our chief executive officer, Peter Woloshyn, for his tremendous leadership of our sci-tech, field and corporate services divisions. 2012-13 saw many enhancements to our operations, including new corporate and operational policies, a new and improved database, continuation of our environmental risk screening program for confined feeding operations, and a project to improve the transparency of approval officer decisions on applications. We also have a new website, which we hope you will visit soon: www.nrcb.ca.

These changes would not be possible without the dedicated efforts of staff in our six offices, working as a team and committed to continuous improvement and excellence.

I am extremely proud to work with my board colleagues and all of our co-workers within the Natural Resources Conservation Board, and to provide Albertans with confidence in our decisions regarding major, non-fossil fuel projects and the responsible development of confined feeding operations.

Vern Hartwell

Mem Hartund

Chair



# Message from the Chief Executive Officer

As chief executive officer, I lead the regulation of confined feeding operations under the *Agricultural Operation Practices Act*, and am responsible for the board's corporate, scientific and technical operations. Decisions made by the Field Services division of the Natural Resources Conservation Board are separate and distinct from the appeals function of the board.

In the 11 years since the Natural Resources Conservation Board was given responsibility for regulating confined feeding operations under the *Agricultural Operation Practices Act*, our delivery of the act has undergone substantial changes and improvements. We have been committed to ensuring that decisions are consistent, objective, science-based, well documented and publicly accessible. Much of that has been achieved through consultation with the Policy Advisory Group, which brings the diverse perspectives of industry, municipalities and environmental non-government groups to the table. Open, honest and constructive dialogue has ensured that operational policies are well considered and serve the interests of all stakeholders. Part of our commitment to continuously improve how we serve our client base has been to check in directly with operators and complainants, using surveys conducted by Ipsos Reid.

In 2012-13 we continued our commitment to ongoing dialogue and consultation on operational policy, conducted our second client survey, improved our database to provide a better platform for integrated data management between our approvals and compliance functions, and continued to deliver risk based compliance programs to protect Alberta's groundwater and surface water resources. New data management processes were also developed and will be implemented in 2013-14. A new website was developed to better support communication with Albertans.

In 2012-13 we consulted with Environment and Sustainable Resource Development, Agriculture and Rural Development and the Policy Advisory Group on surface and groundwater issues to assist delivery of the *Agricultural Operation Practices Act*. We continued to collaborate with Agriculture and Rural Development on technical guidelines to support the delivery of the act, and supported the ministry's research projects on the effects of manure collection and storage facilities on groundwater quality. Agriculture and Rural Development's extension specialists were included in technical meetings and briefings to help support seamless delivery of the act.

We also continued to deliver ongoing training programs for field staff, funded opportunities for professional development, expanded the use of video conferencing for meetings and began work on an improved intranet site to support internal communication. Throughout the year, my one-on-one meetings with every staff member were an invaluable opportunity to connect with staff and to build open lines of communication.

Our field staff, with the support of our science and technology division, provides a high level of service to Albertans. I am proud of the work they accomplish on a daily basis. With our commitment to ensuring they have the tools they need, and to working collaboratively with stakeholders to ensure that operational policies and programs are workable and effective, I firmly believe that the next 10 years will be a decade of continuing to build an effective framework for the delivery of the *Agricultural Operation Practices Act*.

Peter Woloshyn

Chief Executive Officer



The two mandates of the Natural Resources Conservation Board encompass two very different but important aspects of Alberta's resource-based economy: its non-energy natural resources—recreation, mining, forestry and water management, and its equally important livestock industry. Both sectors contribute significantly to Alberta's economy. The acts that govern both mandates—the Natural Resources Conservation Board Act and the Agricultural Operation Practices Act recognize the importance of these resources, as well as the importance of Alberta's communities and environment. Reviews under the Natural Resources Conservation Board Act ensure that the public interest is tested and upheld before proposed natural resources projects are given the go-ahead. Regulation under the Agricultural Operation Practices Act ensures that development respects the land use planning of local municipalities and meets the legislated environmental protections of the act. Decisions under both acts also uphold the provisions of regional land use plans under the Alberta Land Stewardship Act.

Challenges that affect the growth of non-energy resources and the livestock industry also affect the work of the board. In the past year, applications to construct or expand confined feeding operations increased for dairies and poultry operations, and decreased for hog farms, while issues related to abandoned facilities, missed construction deadlines and other enforcement issues increased. Faced with these new issues, management worked closely with stakeholders to develop new operational policies and procedures for responding to them.

Over the past year, operations staff and management also worked closely with the Office of the Auditor General to assess

how the board responds to surface water issues. New tracking processes have been developed, and the board's confined feeding operation database is being upgraded and expanded, a project that began prior to 2012-13 but that also supports surface water documentation. These initiatives will ensure that site-specific information is tracked and readily available, while continuing to protect the privacy of complainants and operators.

Under the Natural Resources Conservation Board Act, the board works with Environment and Sustainable Resource Development and other government departments to consolidate the information requirements of the Natural Resources Conservation Board Act application with the environmental impact assessment conducted under the Environmental Protection and Enhancement Act. While the ministry and the Natural Resources Conservation Board exercise their independent mandates to assess the information contained in the consolidated environmental impact assessment and Natural Resources Conservation Board Act application, considerable efficiency is achieved by coordinating the technical contributions of both organizations to the assessment process. In 2012-13, the board and Environment and Sustainable Resource Development worked together on the technical review of the environmental impact assessment submitted by Parsons Creek Aggregates for a limestone quarry project north of Fort McMurray.

The board also continued to improve its organizational capacity. The information technology policies were finalized and the disaster recovery program was tested and updated. A new public website was developed and the design of a new intranet site was initiated to improve staff access to policies and other board documents.

# Board Governance and Reviews Left to right: Vern Hartwell, Chair, with board members Jay Nagendran, Donna Tingley and Jim Turner

### Governance

The chair and board members of the Natural Resources Conservation Board are responsible for the overall governance of the board, its financial reporting and performance. The chief executive officer leads the operational divisions, including Corporate Services (finance, human resources and information technology), Field Services, and Science and Technology.

Board members are Vern Hartwell (Chair), Donna Tingley, Jay Nagendran and Jim Turner.

The Natural Resources Conservation Board complies with the requirements of the *Alberta Public Agencies Governance Act* and the *Public Agencies Governance Framework*. Its mandate and roles, code of conduct and board member competency framework, as required by the act, are publicly available on the board's website at www.nrcb.ca. The chair and board members are committed to sound fiscal management of the organization.

In addition to governance, the chair and board members are responsible for conducting public interest reviews under the *Natural Resources Conservation Board Act*, and are the appeal body for decisions made by approval officers and inspectors under the *Agricultural Operation Practices Act*.

### Natural Resources Conservation Board Act

The review of the Natural Resources Conservation Board Act application submitted by Parsons Creek Aggregates for a limestone quarry project continued throughout 2012-13. Natural Resources Conservation Board Act application requirements are consolidated with the terms of reference for the environmental impact assessment required by Environment and Sustainable Resource Development. As part of a review process coordinated between the board and ministry, the board's science and technology division participated in the technical review of the environmental impact assessment and Natural Resources Conservation Board Act application. Environment and Sustainable Resource Development indicated on January 16, 2013 that the environmental impact assessment was deemed complete and ready for consideration by the board. The board published the notice of application on February 14, 2013 and scheduled the pre-hearing for August 14, 2013 in Fort McMurray. As part of its review process, the board must also consider the consistency of the Parsons Creek Aggregate proposal with the provisions of the Lower Athabasca Regional Plan.

## Agricultural Operation Practices Act

The board received requests to review two approval officer decisions. It denied one request and granted one request.

### Board Review—Sunterra Farms

In December 2012, Sunterra Farms asked the board to review an approval officer decision that denied its application to amend several conditions in its existing permit, issued by Special Areas Number 2 in 1997. The board decision directed the approval officer to amend one condition, but declined to amend three other conditions. This was the first time the board had been asked to amend conditions contained in a "deemed" approval (in this case, a permit issued by a municipality). The board indicated that its decision could affect parties considering or responding to similar applications, and suggested that policy development in consultation with the Policy Advisory Group would be helpful. The decision was issued April 12, 2013 and is posted on the Natural Resources Conservation Board website.

### **Board Administrative Procedures**

The board establishes its procedural rules in the Board Administrative Procedures Regulation, as authorized by the Agricultural Operation Practices Act. The regulation sets out the Natural Resources Conservation Board's processes for applications, compliance activities and hearings conducted under the Agricultural Operation Practices Act. The regulation has not been significantly reviewed since 2002.

The board recently began a review of the regulation, initiated by the absence of a deadline for requests to review an enforcement order. The board also identified opportunities to improve the clarity of the language, and to make the regulation more user-friendly. The board revised the regulation in 2012-13 with the intention of proceeding to public consultation in 2013-14. The board-initiated consultation process will involve direct consultation with stakeholders and the public.

### **Core Business One:**

Board reviews and appeals under the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act* 

### **Performance Measures**

Efficiency of review process	Results achieved		
Target: 100%	2010/11	2011/12	2012/13
Percentage of Natural Resources Conservation Board's decisions issued within 80 working days of the conclusion of reviews under the <i>Natural Resources Conservation Board Act</i> and within 30 working days of the conclusion of hearings under the <i>Agricultural Operation Practices Act</i>	100% 1 NRCBA and 1 AOPA review	100% 2 AOPA reviews	N/A No reviews completed*

\* The Sunterra hearing was conducted in March 2013. The decision was released in April 2013. Preliminary work on the Parsons Creek application, including the review of the environmental impact assessment, was conducted in 2012-13. The review will be conducted in 2013-14.



# Regulation under the Agricultural Operation Practices Act

### **Operational Policy Development**

Operational policy to ensure consistent and transparent regulation of confined feeding operations under the Agricultural Operation Practices Act continued to be a priority. The Natural Resources Conservation Board consulted with the Policy Advisory Group to develop policies on abandonment, unauthorized construction and construction deadlines. Operational Policy 2012-1: Unauthorized Construction was completed and implemented, effective September 21, 2012. A declaration to indicate operators' intentions and awareness of their responsibilities to obtain appropriate water licences was incorporated into the application form for new and expanding confined feeding operations, following lengthy consultation with stakeholders. Further discussions on abandonment, construction deadlines, updating the 2008 approval policy and updating the 2010 compliance and enforcement policy are scheduled for 2013-14.

### Policy Advisory Group Highlights

The Policy Advisory Group met on May 29 and 30, 2012 and on October 24, 2012. The Policy Advisory Group is a multi-stakeholder advisory body comprised of representatives from the confined feeding industry, rural and urban municipality associations, non-government environmental groups, Environment and Sustainable Resource Development, and Agriculture and Rural Development. Representatives are appointed by the member organizations and are ratified

by Ministerial Order. The Policy Advisory Group is co-chaired by the chief executive officer of the Natural Resources Conservation Board and the assistant deputy minister of Agriculture and Rural Development's Policy and Environment Sector.

In addition to consultation on operational policies, members were briefed on the Natural Resources Conservation Board's response to surface water issues; groundwater and surface water studies of the Government of Alberta and Environment Canada; linking approval officer decisions on applications with regional plans; the board's database verification initiative; processes for determining the grandfathered status of operations; the update of the Board Administration Procedures Regulation review; record keeping requirements under the Agricultural Operation Practices Act; guidelines being developed by the Technical Advisory Group; and the results of the confined feeding operation client survey.

### Technical Advisory Group Highlights

The Technical Advisory Group steering committee met three times in 2012-13. The steering committee identifies and prioritizes guidelines to assist with the technical aspects of delivering the *Agricultural Operation Practices Act*. It is co-chaired by the Natural Resources Conservation Board and Agriculture and Rural Development, and has two industry representatives appointed by the Policy Advisory Group. Working committees develop the guidelines and are comprised of board and Agriculture and Rural Development staff. Experts are contracted as required.

The following guidelines were completed in 2012-13:

- Closure of Manure Storage Facilities and Manure Collection Areas, Agdex 096-90, 2012
- Leak Detection Groundwater Monitoring Parameters, Agdex 096-52, 2012
- Leak Detection Groundwater Sampling, Agdex 096-53, 2013
- Temporary Suspension of Manure Storage Facilities, Agdex 096-91, 2012

### Risk Based Compliance Program

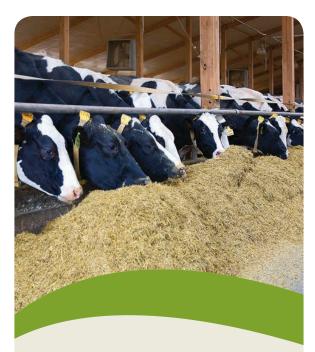
The risk based compliance program continued in 2012/13. At the start of the program, 172 operations recorded on the confined feeding operation database were identified based on three criteria: the operation uses an earthen manure storage facility, the facility was constructed before 2002, and the operation is situated in a region with a vulnerable aquifer, as identified on Agriculture and Rural Development groundwater maps.

Each facility that falls under the program is screened for potential risk to groundwater and surface water. The program uses a science-based tool designed by the Natural Resources Conservation Board in consultation with groundwater experts in Environment and Sustainable Resource Development, Agriculture and Rural Development, and the livestock industry.

The potential risk is ranked using a numeric scoring system, with three possible ratings: low, moderate and potential high risk. Low risk is the lowest score possible and means minimal risk. Groundwater monitoring is normally required for moderate risk sites and is always required for potential high-risk sites. Findings to date indicate that most operations pose a low risk and require little or no follow-up.

### **Confined Feeding Operations Client Survey**

The Natural Resources Conservation Board repeated a survey of confined feeding operators and complainants that was first run in 2008. The survey was conducted by Ipsos Reid and provides the board with feedback on how well operators and complainants feel their permit applications,



### Other Initiatives:

- Redesign of application forms and decision documents—this project was initiated to simplify use of the forms and increase the transparency of approval officer decisions. The revised documents will be implemented in 2013-14
- Confined feeding operation database—the
   database was upgraded and redesigned to better
   integrate data collected by approval officers and
   inspectors, and to significantly improve the reports
   it can generate. The updated database was
   implemented in spring 2013. Additional upgrades
   will be made in 2013-14
- Public website—a complete redesign of the public website was initiated. The new website was implemented in July 2013
- Surface water—over the past year the operations divisions reviewed their compliance approach to documenting surface water risks at confined feeding operations. An internal directive, "Water Data Management Process for Confined Feeding Operations," was developed to ensure that surface water risk information is consistently recorded and collected on the database

compliance issues and complaints are handled. The 2012 survey focused on operators and complainants who were directly involved with the board in 2011, either through an application, a compliance issue or a complaint. Satisfaction with service remained high for all three categories but declined slightly from 2008.

The 2012 results indicate that most respondents (98 percent of applicants, 92 percent of operators involved in a compliance issue, and 92 percent of complainants) felt they were treated fairly by approval officers and inspectors. The survey also showed a desire for more information about application requirements, compliance issues and the resolution of complaints.

The most frequent suggestion made by applicants was to speed up the application process and to clarify the requirements of the *Agricultural Operation Practices Act*. Operators involved in compliance issues indicated they would like more information and explanation about the steps required to come into compliance, and to have site visits scheduled in advance.





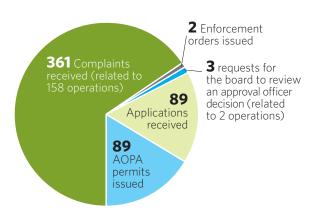
Complainants indicated they were responded to quickly and were able to get hold of an inspector. More information was the most frequent suggestion made for improving service.

### Communication with Stakeholders on Priority Initiatives

One-on-one communication with operators was supported by staff participation in 20 producer trade shows and conferences. Inspectors also met one-on-one with operators involved in the risk based compliance program. Articles were provided to confined feeding industry newsletters about new operational policies and to the Lethbridge County newsletter about manure pumping and spreading requirements. Agriculture and Rural Development's Call of the Land program broadcast an interview on requirements for spreading on frozen and snow covered ground. A joint plan was developed with Agriculture and Rural Development for Call of the Land segments that will air in 2013-14.

<b>Core Business Two:</b> Regulation under the <i>Agricultural Operation</i>	n Practices Act			
Performance Measures				
Efficiency of permitting process	Results achiev	red		
Target: 85%	2010/11	2011/12	2012/13	
Percentage of decisions issued within 65 working days from the date the application is determined to be complete	91.2%	84.4%	88%	
Complaint resolution Results achieved				
Target: 95%	2010/11	2011/12	2012/13	
Percentage of complaint files resolved or requiring no further action within 90 days	98%	98%	99%	

### Key Statistics – Agricultural Operation Practices Act



Regional Sn	apshot 2012-	-13	
	Applications received	Permits issued	Operations involved in complaints
Peace	5	1	7
North Central	9	5	16
Central	49	56	50
Lethbridge	25	27	85
Sector Snap	shot 2012-13		
Sector Snap	shot 2012-13 Applications received	Permits	Operations involved in complaints
Sector Snap	Applications	Permits	involved in
	Applications received	Permits issued	involved in complaints
Cattle	Applications received	Permits issued	involved in complaints
Cattle Dairy	Applications received  6 15	Permits issued  2 18	involved in complaints  66 28
Cattle Dairy Mixed	Applications received  6 15 18	Permits issued  2 18 13	involved in complaints  66 28 5

	Number of operations reviewed	Number of operations no longer operating or not meeting criteria	Operations with facilities ranked low risk	Operations with facilities ranked moderate risk	Operations with facilities ranked high risk	Operation with surfa water risk
	108	55	38	10	8	6
Complaints received by		Odour / nuisance	Water quality	Non- compliance	Other <sup>4</sup>	Total
number of operations <sup>3</sup>	53	25	102	24	204	



# Training and Support for Professional Development

The Natural Resources Conservation Board recognizes the importance of ensuring that staff maintain current professional knowledge and expertise. In 2012-13, the board provided funding to support professional development and training for all staff and board members. Eighty-five percent of staff and board members utilized the available training opportunities.

In-house training sessions were held in November 2012 and February 2013 for all field services and science and technology staff. One-on-one training on environmental issues was provided for two new field services staff.

### **Technical Support and Capacity**

The Natural Resources Conservation Board maintained its commitment to continuously improve internal information technology tools to support information sharing among staff. Under the board's evergreening program, one-third of computers were replaced as scheduled. The technical document repository was populated and its use expanded. The repository will continue to be populated in 2013-14. The intranet site was also redesigned and will be completed in 2013-14

In-house technical expertise was supported with contracted experts to assist with the redesign of the confined feeding operation database, the public website and the intranet.

### **Programs and Resources**

Information on the employee family assistance program and benefits was provided to all Natural Resources Conservation Board employees. Corporate Services visited board offices in June and September 2012 to provide the information and answer questions as required.

Health and Wellness newsletters, personal finance tools and Pension Group quarterly updates were provided to all staff.

### Increased Opportunities for Face-to-Face Communication

The Natural Resources Conservation Board is a small organization with six offices, creating a challenge for regular face-to-face communication. In 2012-13, to improve communication and reduce travel time for meetings, video conferencing equipment was installed at all office locations. Video conferencing is now used extensively for division meetings, project meetings and training.

The chief executive officer held one-on-one meetings with every operational employee in fall 2012 and visited board offices on nine occasions.





### **Performance Measures**

Employee satisfaction	Results achieved			
Target: 75%	2010/11	2011/12	2012/13	
Percent of staff who express satisfaction on survey results	77%	81%	Result not available*	

<sup>\*</sup> Performance results for this measure are based on staff satisfaction results on survey questions in the annual Government of Alberta survey. The survey was not run in 2012-13.

Employees have appropriate training	Results achieved			
Target: 90%	2010/11	2011/12	2012/13	
Percent of staff who participate in training programs	89%	85%	85%	

### Where We Were

### Municipalities

Stettler County, Stettler, April 2, 2012

Flagstaff County, Flagstaff, April 19, 2012

Northern Sunrise County, Peace River, July 12, 2012

Lacombe County, Lacombe, July 20, 2012

Ponoka County, Ponoka, July 25, 2012

Camrose County, Camrose, August 3, 2012

Mountain View County, Didsbury, November 15, 2012

Starland County, Morrin, November 30, 2012

Foothills Municipal District, High River, February 26, 2013

Saddle Hills County, Spirit River, March 6, 2013

Smoky Lake County, Smoky Lake, March 18, 2013

### Stakeholder meetings and events

Alberta Institute of Agrologists Conference, Banff, April 3-5, 2012

Water Technologies Symposium, Banff, April 11-13, 2012

Alberta Pork Regional Producer Meetings, Grande Prairie, June 11; Red Deer, June 13, 2012

Alberta Beef Producers Annual Meeting, Edmonton, June 12, 2012

Canadian Cattlemen's Semi-Annual Meeting, Calgary, August 13-14, 2012

International Livestock Congress, Calgary, August 15, 2012

Whelp Creek Sub-Watershed, Lacombe County, September 14, 2012

RemTech Conference, Banff, October 17-19, 2012

Alberta Beef Producers Fall Producer Meeting, Fairview, October 25, 2012

Agri-Trade Exposition, Red Deer, November 7-10, 2012

Canfax Cattle Market Forum, Calgary, November 13-14, 2012

Alberta Association of Municipal Districts and Counties Fall Convention, Edmonton, November 13-15, 2012

Alberta Beef Producers Annual General Meeting, Calgary, December 3-5, 2012

Red Deer River Watershed Alliance Annual Meeting, Red Deer, January 18, 2013

Banff Pork Seminar, Banff, January 16-17, 2013

Peace Country Classic Agri-Show, Grande Prairie, March 7-9, 2013

Concordia University, Edmonton, March 12, 2013

Alberta Association of Municipal Districts and Counties Spring Convention, Edmonton, March 18, 2013

University of Calgary, Calgary, March 20, 2013

Tri-Provincial Manure Management Workshop, Lethbridge, March 21, 2013

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Operation Practices Act and the
Natural Resources Conservation
Board Act can be obtained
from the Queen's Printer at
www.qp.gov.ab.ca or through
the NRCB website.

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