

Decision Summary RA15003A – Approval Officer Amendment of NRCB Approval RA15003

This document summarizes my reasons for issuing Approval RA15003A, an amended version of Approval RA15003. This amended approval is issued on my own motion, under section 23 of the *Agricultural Operation Practices Act (AOPA)*. My decision is based on the act and its regulations, the policies of the NRCB, and the information contained in the permit file.

1. Background and reasons for the amendment

Ferrybank Farming Co. owns and operates an existing multi-species confined feeding operation (CFO) located at W½ 10-44-27 W4M. The CFO is located approximately 18 kilometres northwest of the Town of Ponoka, Alberta.

The CFO is currently permitted under NRCB Approval RA15003. This approval permitted the construction of two new broiler barns (97.5 m x 19.5 m each), and to increase livestock numbers from 13,200 to 73,200 chicken broilers, in addition to the previously permitted 200 sows farrow to finish and 300 turkey. The CFO's existing permitted facilities are listed in the appendix of Approval RA15003A.

Condition 4 of Approval RA15003 required Ferry Bank Farming Co. to construct the two broiler barns by April 30, 2018, unless “upon request, this deadline may be extended by the NRCB in writing.”

No request was submitted by Ferrybank Farming Co. to extend the construction timeline for broiler barn #2 prior to the expiry of the permit on April 30, 2018.

The NRCB's *construction deadline* policy (Operational Policy 2015-1) states that when construction completion deadlines have lapsed, the permit is to be amended to exclude the unconstructed facility and to revise the livestock capacity to reflect the capacity of the constructed facilities.

To date, the permit holder has constructed only one of the two permitted broiler barns.

I am therefore amending Approval RA15003 on my own motion under section 23 of AOPA, and in accordance with the *construction deadline* policy, to exclude the unconstructed broiler barn #2 from the permitted CFO facilities. Because this facility had not been constructed, the capacity of the CFO's facilities to confine livestock is also reduced. Therefore, I am also amending Ferrybank Farming Co.'s permitted livestock capacity to reflect the livestock capacity of the constructed facilities.

To determine the revised permitted capacity, I subtracted the grandfathered livestock numbers (13,200 chicken broilers) from the total permitted livestock numbers in Approval RA15003 (73,200 chicken broilers) in order to obtain the capacity of the two new broiler barns. This means that the livestock capacity of the two new broiler barns is 60,000 chicken broilers. Since only one of the two equally sized barns was constructed, I determined that the capacity of each barn is half of the permitted number, i.e. 30,000 chicken broilers.

In discussions with Jason Gross (a representative of Ferrybank Farming) on March 19, 2019, he indicated that they can house up to 32,000 chicken broilers in the newly constructed broiler barn. The claimed barn capacity is six percent more than the permitted chicken broilers capacity. I find that this number is reasonable as stocking densities may vary between CFO operators.

The revised total permitted capacity for the CFO, which includes the grandfathered capacity is therefore, 45,200 chicken broilers, 200 sows farrow to finish, and 300 turkeys.

2. Other factors considered

This approval officer amendment meets all relevant AOPA requirements with the terms and conditions summarized below, in Approval RA15003 and Decision Summary RA15003.

As noted in Decision Summary RA15003, that application was consistent with the land use provisions of Ponoka County's municipal development plan. This approval officer amendment does not affect that municipal development plan consistency determination. (See Appendix A of Decision Summary RA15003 for a more detailed discussion of the county's municipal development plan.) As the permitted animal capacity for the CFO is being reduced by this amendment, the assessments and conclusions in Decision Summary RA15003 about other considerations under Section 20 of AOPA also remain valid.

3. Terms and conditions

Approval RA15003A specifies the new permitted livestock capacity as 45,200 chicken broilers, 200 sows farrow to finish, and 300 turkeys and permits the already constructed broiler barn and other deemed facilities.

For clarity and efficiency, and in accordance with NRCB policy, I am amending Approval RA15003. Rather than issue a separate amendment document, I am issuing a new, amended approval (RA15003A) and cancelling Approval RA15003. The amended approval will have the same terms and conditions as Approval RA15003, except the construction conditions related to the second broiler barn. The conditions associated with Approval RA15003A will be revised to reflect the aforementioned changes.

4. Conclusion

Approval RA15003A is issued for the reasons provided above and becomes effective immediately.

Approval RA15003 is therefore cancelled, unless Approval RA15003A is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval RA15003 will remain in effect.

April 4, 2019

(Original signed)

Julie Wright
Approval Officer