

Decision Summary RA10042A

This document summarizes my reasons for issuing Authorization RA10042A, an amended version of Authorization RA10042. This amended authorization is issued 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 all other materials in the application file.

Authorization RA10042A and its associated documents are available from the decisions search engine on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca.

1. Background and reasons for the amendment

Harry Klooster owns and operates an 80 milking cow dairy confined feeding operation (CFO) on the NW 21-39-6 W5M in Clearwater County, roughly five kilometers east of Rocky Mountain House.

Previous to Authorization RA10042, the NRCB issued the CFO Registration RA03020 on October 1, 2003. The NRCB issued Mr. Klooster Authorization RA10042 on July 27, 2010. The authorization allowed for the construction of a 36.6 m x 18.3 m heifer barn.

The heifer barn was constructed, but only the southern half was developed as an area for livestock. The northern half of the barn was partially developed and is used for commodity storage. Further, an agent of Mr. Klooster indicated that the CFO does not intend to develop the northern portion of the barn to house livestock at this time.

Based on the above, I am amending Authorization RA10042 on my own motion under section 23 of AOPA. The amendment will state that only the southern half of the barn is a livestock area or manure collection area/manure storage facility. The northern half is an “ancillary structure,” under section 1(1)(a.1) of the Agricultural Operations, Part 2 Matters Regulation, because it will not be used to store or collect manure or to confine livestock. Therefore, under section 4.1 of that regulation, this structure does not need to be permitted under the act.

This amendment does not affect any of the previously mentioned NRCB issued permits. If the permit holder intends to develop the northern portion of the barn as an area for livestock in the future, a new permit will be required.

2. Other factors considered

The application for Authorization RA10042 was consistent with the land use provisions of Clearwater County’s municipal development plan (MDP). This approval officer amendment does not impact the MDP consistency determination in Decision Summary RA10042. The MDP consistency determination in Decision Summary RA10042 applies equally to this amendment. (See Part 2.1 of Decision Summary RA10042 for a discussion of the county’s municipal development plan.)

3. Terms and conditions

For clarity and efficiency, and in accordance with NRCB policy, I have consolidated the requirements and conditions from Authorization RA10042 into the new Authorization RA10042A. Consolidating permits generally involves carrying forward all non-redundant terms and conditions from the prior permit into the new permit, and then cancelling the prior permit.

Therefore, Authorization RA10042A contains all of the relevant terms and conditions from Authorization RA10042, except for those that are already met, which will be carried forward but are identified in the Appendix to Authorization RA10042A.

4. Conclusion

Authorization RA10042A is issued for the reasons provided above.

Authorization RA10042 is therefore cancelled, unless Authorization RA10042A is held invalid following a review and decision by the NRCB's board members or by a court, in which case Authorization RA10042 will remain in effect.

May 20, 2021

(Original Signed)
Jeff Froese
Approval Officer