

Decision Summary LA21033X

This document summarizes my reasons for issuing Approval LA21033X under the *Agricultural Operation Practices Act* (AOPA). All decision documents 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 direction of the NRCB Board given in NRCB Review Decision 2022-02 Double H Feeders Ltd. LA21033 issued on March 17, 2022.

1. Background

On November 23, 2021, Decision Summary LA21033 was issued, denying Application LA21033 submitted by Double H Feeders Ltd. Following a review hearing, the NRCB Board directed me to issue Approval LA21033X, permitting the construction of two additional barns (87 m x 23 m each) and to increase the chicken broiler numbers by 65,000 to a total of 120,000 birds. Other conditions arising out of this Board Decision 2022-02/LA21033 are discussed in Appendix A, found below.

The information about location and permit history can be found in Decision Summary LA21033. Appendix D of Decision Summary LA21033 sets out the determination of deemed permit status and capacity for the operation.

Because this approval is being issued upon direction by the NRCB Board following a review, no notice was given to affected parties, referral agencies, or the county.

For the same reason, a new MDP consistency determination and a new assessment of the effects on the economy and community was not done in conjunction with this permit. In the course of its review, the Board did consider submissions from neighbours and two municipalities.

A new environmental risk assessment of the proposed facilities was not undertaken. The result of the risk assessment as discussed in Decision Summary LA21033 is still valid.

As laid out in Decision Summary LA21033, the application meets all technical requirements set out in the regulations.

2. Terms and conditions

Approval LA21033X specifies the permitted livestock capacity as 120,000 chicken broilers and permits the construction of two additional chicken broiler barns (87 m x 23 m each).

As directed by the Board, Approval LA21033X contains terms that the NRCB generally includes in all AOPA approvals (e.g. terms stating that the applicant must follow AOPA requirements and must adhere to the project descriptions in their application and accompanying materials) in addition to conditions that generally address construction deadlines, document submission, construction inspection, and other conditions as discussed in Appendix A.

The consolidation of the deemed permit for this operation (including municipal development permit 98-189), and the carrying forward of condition 2 from Lethbridge County development permit 98-189(as modified), was also directed by the Board and is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion pursuant to NRCB policy (see NRCB Operational Policy 2016-7: Approvals, part 10.5). Permit consolidation helps the permit holder, municipality, neighbours and other parties to keep track of a CFO's requirements, by providing a single document that lists all the operating and construction requirements.

3. Conclusion

Approval LA21033X is issued for the reasons provided above, in the attached appendix, Decision Summary LA21033, and in Technical Document LA21033.

Double H's deemed permit as outlined in Appendix D of Decision Summary LA21033, is therefore superseded, and its content consolidated into this Approval LA21033X, unless Approval LA21033X is held invalid following a review and decision by the NRCB's board members or by a court, in which case the deemed permit will remain in effect.

April 18, 2022

(original signed)
Carina Weisbach
Approval Officer

Appendices:

A. Explanation of conditions of approval

APPENDIX A: Explanation of conditions of the approval

As directed by the Board in Board Decision 2022-02 / LA21033 Double H Feeders Ltd. (issued March 17, 2022), the following conditions will be included in this approval:

1. New conditions

a. Construction Deadline

The construction completion deadline of January 1, 2026, proposed by Double H Feeders, will be included as a condition in this approval.

b. Post-construction inspection and review

The following two conditions are included to ensure that the new facilities are constructed according to the required design specifications:

- I. Double H Feeders to provide written proof from a qualified third party professional that the concrete used for the manure collection and storage area meets the required specifications as laid out in Agdex 096-93 – Category D.
- II. The inspection of approved facilities prior to livestock or manure being allowed to be placed in them.

c. Cancellation of Lethbridge County MD permit 93-164 (on NW 22-09-22 W4M)

The reasoning for this condition is discussed in Board Decision 2022-02. As a consequence the Board directed me to include a condition that will require Double H to cancel its existing MD permit 93-164 for the NW 22-09-22 W4M once the new chicken barns on the NE 22-09-22 W4 are fully populated.

I therefore included a condition, stating that latest five weeks after starting to populate the newly constructed chicken broiler barns on the NE 22-09-22 W4, Double H shall fully depopulate all of the chicken broiler barns on the NW 22-09-22 W4M and submit a request to cancel MD permit 93-164 for the NW 22-09-22 W4M.

The operator is reminded that subsequent to the cancellation of said permit, these barns are no longer allowed to house livestock or manure (as defined in AOPA c.2) of any kind.

Operating conditions

d. Animal numbers

To avoid the operation of both broiler operations at full capacity at the same time (NW 22-09-22 W4M and NE 22-09-22 W4M), the Board directed me to include a condition that will not allow Double H to exceed a total of 120,000 head chicken broilers between the two operations (at the above noted land locations) at any one time.

e. Manure storage

The reasoning for this condition is discussed in Board Decision 2022-02. The Board directed me to include a condition that will not allow Double H to use the solid manure storage on the NW 22-09-22 W4M as a long term manure storage site (i.e. longer than short-term manure storage as set out in section 5 of the Standards and Administration Regulation under AOPA). Short term storage of solid manure derived from the NE 22-09-22 W4, will be allowed on this quarter section, however not longer than a cumulative period of 7 months over a 3 year period on the entirety of the NW 22-09-22 W4M.

2. Conditions carried forward from Lethbridge County Development permit 98-189

A detailed discussion of the conditions in that development permit can be found in Decision summary LA21033, Appendix C. I will therefore not repeat my reasoning for not carrying forward certain conditions and instead list the one condition that will be carried forward in an amended version as discussed in the Board review.

Condition 2 – Land Area for Manure Utilization – currently states:” *Maintenance of and/or access to approximately 350 acres of cultivated dryland or 148 acres cultivated, irrigated for manure utilization. Manure must not be applied to snow and/or frozen ground. Manure be incorporated within 48 h of land spreading, with consideration for neighboring residences, including a separation distance from such residences.*”

A portion of Condition 2 will be carried forward into Approval LA21033X and amended to state: “All manure shall be incorporated within 48 hours of land application. If the permit holder applies to amend or remove this condition, the requirement to incorporate all manure within 48 hours will nonetheless apply to manure spread on NW 22-09-22 W4M, without exception and without opportunity for amendment”.

As directed by the Board, this condition shall not be subject to any amendments now or in the future. I therefore included this qualifier into the condition.