

## Decision Summary RA22003A

This document summarizes my reasons for issuing Approval RA22003A, an amended version of Approval RA22003, under the *Agricultural Operation Practices Act* (AOPA). Additional reasons, as well as the full application, are in Technical Document RA22003A. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at [www.nrcb.ca](http://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.

### 1. Background

On October 19, 2022, the NRCB issued Approval RA22003 to Nick & Barry Buter, and Buter Farms, which allowed the construction of a new dairy confined feeding operation (CFO). The approval permitted, amongst other facilities, the construction of a 44 m x 118 m dairy barn. Buter Farms has not yet constructed any of the permitted dairy facilities.

On June 19, 2023, Buter Farms applied to amend Approval RA22003, to modify the width of the dairy barn by 1.8 m for a total dimensions of 45.8 m x 118 m, to allow more space for the dairy cows.

The dairy barn will be constructed using the same proposed concrete liner that was previously approved. No increase in livestock numbers or manure production is proposed.

Under AOPA, this type of application requires an amendment to an approval.

#### a. Location

The permitted CFO is located at SW 27-39-26 W4M in Lacombe County, roughly 6 km east of Blackfalds, Alberta. The terrain is nearly level with a general slope to the south.

### 2. Notices to “affected parties”

Under section 19 of AOPA, notice for an amendment of an approval application must be provided to 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 ½ mile. (The NRCB refers to this distance as the “affected party radius.”)

A copy of the application was sent to Lacombe County, which is the municipality where the CFO is located. The CFO is not located within 100 m of the bank of the river, stream, or canal.

The NRCB gave notice of the application in the Lacombe Express on July 6, 2023. The full application was made available for viewing during regular business hours and was posted on the NRCB website for public viewing. Notification letters were sent to five people identified by Lacombe County as owning or residing on land within the affected party radius.

Referral letters and a copy of the complete application were also emailed to Alberta Health Services (AHS), Alberta Environment and Protected Areas (EPA), Alberta Agriculture and Irrigation (AGI), and right of way holders EQUUS and Chain Lake Gas Co-op.

### **3. Responses from the municipality, referral agencies and other directly affected parties**

I only received responses from Lacombe County and AHS.

The NRCB received a written response to the application notice from Ms. Allison Noonan, planning services administrative assistant with Lacombe County. As noted in section 2, Lacombe County is a directly affected party.

In her response, Ms. Noonan indicated that the County has no concerns with this application. The County adopted its current MDP on July 6, 2017, under Bylaw 1238/17. This is the same MDP that I considered when I issued Approval RA22003 on October 19, 2022. Buter Farms' present application is consistent with that MDP for the same reasons as those provided in Appendix A of Decision Summary RA22003.

Ms. Kristina Croce from AHS responded to the referral letter concluding that AHS has no objections to the approval of this application.

No responses were received from any other person, organization, or member of the public.

### **4. Environmental risk of facilities**

The risks posed by Buter Farms' CFO facilities were assessed in 2022. The assessment determined that the potential risks to surface water and groundwater posed by the facilities were low. The proposed change to the dimensions of the dairy barn meets the AOPA requirements.

For this reason, a new assessment of the risks posed by the CFO's permitted facilities is not required.

### **5. Factors Considered**

The previous application RA22003 met all relevant AOPA requirements. The proposed change to the dimensions of the dairy barn has no impact on that determination, which still stands. Additionally, the terms and conditions summarized in section 6, include the terms and conditions from Approval RA22003.

### **6. Terms and Conditions**

Rather than issuing a separate "amendment" to Approval RA22003, I am issuing a new approval (RA22003A) with the required amendment. Approval RA22003A therefore contains all of the terms and conditions in RA22003, but with modifications to the dimensions of the dairy barn.

## 7. Conclusion

Approval RA22003A is issued, for the reasons provided above, in Decision Summaries RA22003 and RA22003A, and in Technical Documents RA22003 and RA22003A. In the case of a conflict between these documents, the latest ones will take precedence.

Approval RA22003 is therefore cancelled, unless Approval RA22003A is held invalid following a review and decision by the NRCB's board members or by a court, in which case the previous permit will remain in effect.

September 7, 2023

(Original signed)

Francisco Echegaray, P.Ag.  
Approval Officer