

Decision Summary LA23003X

This document summarizes my reasons for issuing Approval LA23003X under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA23003 and Decision Summary LA23003. All decision documents and the full application 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 act and its regulations, the policies of the NRCB, the information contained in the application, and all other materials in the application file.

Under AOPA this type of application requires an approval. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On January 17, 2023, Joshua and Deborah Denbok (the Denboks) submitted a Part 1 application to the NRCB to construct a new beef CFO.

The proposed CFO involves the following:

- a new CFO with 1,000 beef finishers and 2,000 beef feeder calves
- constructing a pen area (including the existing, but not yet permitted feedlot pens) – 75 m x 200 m
- constructing a calf hutch & solid manure storage area (including the existing, but not yet permitted calf hutch area) – 125 m x 200 m
- constructing a synthetically lined catch basin – 40 m x 40 m x 2.7 m

The completed Part 2 application was submitted on June 19, 2023. On June 27, 2023, I deemed the application complete.

On October 6, 2023, I denied the application as it was inconsistent with the land use provisions of Lethbridge County's municipal development plan (MDP). Aside from the inconsistency with the MDP, I determined that the application met all of AOPA's technical requirements. In Decision Summary LA23003, I completed a technical review of the application, considered concerns raised by directly affected parties (See Appendix C of Decision Summary LA23003), and recommended permit conditions in the event the denial was overturned following a Board review (see Appendix E of Decision Summary LA23003).

The Denboks requested a Board review of the denial of Application LA23003 on October 30, 2023. The Board was asked to exercise its discretion to allow the applicant's proposed construction of a new beef CFO to be permitted notwithstanding the application's inconsistency with the Lethbridge County's municipal development plan (MDP) land use provisions. The Board granted the applicant's review request (RFR 2023-06) and conducted a review by way of a written hearing.

On December 12, 2023, the Board released its review decision and directed me to issue an approval subject to the conditions related to technical matters set out in Appendix E of Decision Summary LA23003 (See NRCB Board Decision 2023 – 07/LA23003, available on the NRCB website) including confirmation of title consolidation prior to construction. The Board in their

decision noted that consolidation of the two parcels will make the proposed CFO consistent with the MDP.

2. Factors considered

Decision Summary LA23003 parts 1-4, 6-9, and its appendices apply to Approval LA23003X, with modifications to reflect consistency with the MDP land use provisions assuming consolidation of parcels (conditions #3 and #4 of Approval LA23003X). For example, part 9 of Decision Summary LA23003 is adjusted as follows, contingent on parcel consolidation:

- I would no longer deny the application under section 20(1)(b)(i) of AOPA; and
- The presumption of acceptable effects on the economy and community would apply and is not rebutted.

3. Conclusion

In consideration of Board Review Decision 2023-07/ LA23003, Technical Document LA23003, and Decision Summary LA23003, Approval LA23003X is issued.

December 19, 2023

(Original signed)
Cailyn Wilson
Approval Officer