



Decision Summary LA21003A

This document summarizes my reasons for issuing Approval LA21003A under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA21003A, Decision Summary LA21003, and Technical Document LA21003. 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 amendment to an approval. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

Wolf Creek Farming (Wolf Creek) received Approval LA21003 to construct a variety of facilities utilized for a multi-species CFO (listed in the appendix of Approval LA21003). Upon a post – construction inspection on August 2, 2023, it was observed that the earthen manure storage (EMS) had not been constructed to the dimensions permitted in Approval LA21003.

During the post-construction inspection, the applicant also requested a construction completion deadline extension for three additional years to construct the proposed dry cow / heifer barn permitted in Approval LA21003. The original construction completion deadline was March 17, 2024. An extension was granted as per Section 3.1 of NRCB Operational Policy 2015-1 *Construction Deadlines*, and the new construction completion deadline is documented in this decision summary.

On October 17, 2023, Wolf Creek applied to amend Approval LA21003, and on October 25, 2023, I deemed the application complete. The amendment application is to increase the size of the permitted EMS from 66 m x 66 m x 5 m deep, to 110 m x 90 m x 5 m deep. The EMS has already been constructed. Wolf Creek stated in their application they required extra clay for the dirt work associated with another permitted facility and needed to increase the length and width of the EMS. The depth has not been changed.

The application does not include an increase in livestock numbers, and will remain as indicated on Approval LA21003, nor an increase in manure production. Because this application is only to change the permitted dimensions of the EMS to reflect what has been constructed, only matters relating to the change in dimensions of the EMS will be discussed.

a. Location

The existing CFO is located at SE 29-5-19 W4M, SW 28-5-19 W4M, NW 21-5-19 W4M and NE 20-5-19 W4M in the County of Warner, roughly 10 km southeast of Raymond, Alberta. The terrain is mostly level, sloping slightly to the south towards a tributary to Knee Creek.

b. Existing permits

To date, the CFO has been permitted under NRCB Approval LA21003. That permit allowed the construction and operation of a multi species livestock CFO. The existing permitted capacity of the CFO (LA21003) is:

- 150 Milking Cows (plus associated dries and replacements)

- 200 Beef Finishers
- 260 Farrow to Finish Swine
- 30,000 Chicken Layers
- 18,000 Chicken Broilers
- 100 Turkey Broilers
- 800 Ducks
- 400 Geese
- 4 Horses

The CFO's existing and permitted facilities are listed in the appendix to the Approval LA21003.

2. Notices to affected parties

Under section 19 of AOPA, the NRCB notifies (or directs the applicant to notify) 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 1.5 miles. (The NRCB refers to this distance as the "notification distance".)

None of the CFO facilities are located within 100 m of a bank of a river, stream, or canal.

A copy of the application was sent to the County of Warner, which is the municipality where the CFO is located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in Prairie Post newspaper in circulation in the community affected by the application on November 10, 2023, and
- sending 3 notification letters to people identified by Warner County as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours and was posted on the NRCB website for public viewing.

3. Notice to other persons or organizations

Under section 19 of AOPA, the NRCB may also notify persons and organizations the approval officer considers appropriate. This includes sending applications to referral agencies which have a potential regulatory interest under their respective legislation.

Referral letters and a copy of the complete application were emailed to Alberta Health Services (AHS), Alberta Environment and Protected Areas (EPA), Alberta Transportation & Economic Corridors (TEC), and Raymond Irrigation District.

I also sent a copy of the application to Triple W Natural Gas Co-op Ltd., Village of Warner, Ridge Reservoir Water Users, Fortis Alberta Ltd., Alpha Bow Energy, and Prairie Sky Royalty as they are right of way and easement holders at the CFO location.

I received responses from TEC, EPA, AHS, and Fortis Alberta Inc. The representatives of these agencies indicated no concerns in their responses to the application.

4. Municipal Development Plan (MDP) consistency

I have determined that the proposed modification is consistent with the land use provisions of the County of Warner's municipal development plan. (See Appendix A in Approval LA21003 for a more detailed discussion of the county's planning requirements.)

5. AOPA requirements

The EMS was determined as part of Approval LA21003 to meet all of AOPA requirements. The change in EMS dimensions has no impact on that determination. With respect to the technical requirements set out in the regulations, the proposed increase in size of the EMS:

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS)
- Meets the required AOPA setbacks from water wells, springs, and common bodies of water
- Has sufficient means to control surface runoff of manure
- Meets AOPA's nutrient management requirements regarding the land application of manure
- Meets AOPA groundwater protection requirements for the design of floors and liners/protective layers of manure storage facilities and manure collection areas

Additionally, the terms and conditions included in Approval LA21003 will be carried forward into this amendment, except the previously issued post construction completion deadline for the dry cow / heifer barn. That condition shall be changed to reflect the proposed extension of the construction completion deadline; March 17, 2027.

6. Responses from the municipality

Directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application and are entitled to request an NRCB Board review of the approval officer's decision. Not all affected parties are "directly affected" under AOPA. Municipalities that are affected parties are identified by the act as "directly affected." The County of Warner is an affected party (and directly affected) because the CFO is located within its boundaries.

Mr. Tyler Nelson, a development officer with the County of Warner, provided a written response on behalf of the County of Warner. Mr. Nelson stated that the application for amendment is consistent with the County of Warner's land use provisions in their municipal development plan because it is consistent with the land use development plan (LUB 930-17) and follows the county's bylaws. Mr. Nelson also stated in his response that there are no area structure plans

associated with the land, all the land located within 1.5 miles are zoned extensive agriculture, and the development meets current municipal setbacks. The application's consistency with the land use provisions of the County of Warner's municipal development plan is addressed in Appendix A in Approval LA21003.

7. Terms and conditions

For clarity, and pursuant to NRCB policy, I am amending Approval LA21003, and consolidating Approval LA21003 into Approval LA21003A. (see NRCB Operational Policy 2016-7: Approvals, part 11.5). Rather than issuing a separate amendment document, I am issuing a new, amended Approval (LA21003A) and superseding Approval LA21003.

Permit consolidation helps the permit holder, municipality, neighbours, and other parties keep track of a CFO's requirements, by providing a single document that lists all the operating and construction requirements. Consolidating permits generally involves carrying forward all relevant terms and conditions in the existing permits into the new permit, with any necessary changes or deletions of those terms and conditions.

Approval LA21003A contains terms that the NRCB generally includes in all AOPA approvals, including terms stating that the applicant must follow AOPA requirements and must adhere to the project descriptions in their application and accompanying materials.

Therefore, the amended approval will have the same terms and conditions as Approval LA21003, other than the change for the permitted EMS dimensions, and the construction completion deadline for the dry cow / heifer barn. For an explanation of the reasons for these amended conditions, see Appendix A. All construction conditions that have been met are listed in the appendix of Approval LA21003A.

8. Conclusion

Approval LA21003A is issued for the reasons provided above, in the attached appendices, in decisions summaries LA21003 and LA21003A and in Technical Documents LA21003 and LA21003A.

Approval LA21003 is therefore superseded, and its content is consolidated into this amended Approval LA21003A, unless LA21003A is held invalid following a review and decision by the NRCB's board member or by a court, in which case LA21003 will remain in effect.

January 2, 2024

(Original signed)
Cailyn Wilson
Approval Officer

Appendices:

A. Explanation of conditions in Approval LA21003A

APPENDIX A: Explanation of conditions in Approval LA21003A

1. New conditions in Approval LA21003A

Construction Deadline

Wolf Creek proposes to complete construction of the proposed new dry cow / heifer barn (Approval LA21003) by March 17, 2027. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of March 17, 2027 is included as a condition in Approval LA21003A.

2. Conditions carried forward from Approval LA21003

Conditions # 7 and #8 from Approval LA21003 are carried forward and re-numbered as they relate to the facilities not yet constructed, with condition #7 being modified to reflect the new construction completion deadline date.