

## Decision Summary RA23002

This document summarizes my reasons for issuing Registration RA23002 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA23002. 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.

Under AOPA this type of application requires a registration. For additional information on NRCB permits please refer to [www.nrcb.ca](http://www.nrcb.ca).

### 1. Background

On January 23, 2023, Dan Boese (Boese) submitted a Part 1 application to the NRCB to construct a new poultry CFO. The Part 1 forms included a proposed number of 40,000 chicken broilers, which was reduced to 36,000 on the Part 2 forms.

The Part 2 application was submitted on November 1, 2023. On November 14, 2023, I deemed the application complete.

The proposed CFO involves:

- Permitted livestock capacity – 36,000 chicken broilers
- Constructing a new broiler barn – 110 m x 19 m

#### a. Location

The proposed CFO is located at NE 23-43-20 W4M in Camrose County, roughly 6 km south of the Village of Edberg. The terrain is mainly flat cropland, with a slight slope to the south/southwest. The nearest surface water body is a slough approximately 370 m northwest of the proposed broiler barn.

### 2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are “affected” by a registration 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 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 ½ mile (805 m) from the CFO;
- all persons who own or reside on land within the greater of ½ mile (805 m) or the minimum distance separation for the land on which the CFO is located.

The land zoning on which the CFO is located would require a minimum distance separation of 172 m. Therefore, the notification distance is ½ mile. (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 Camrose County, which is the municipality where the CFO is to be located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in Camrose Booster newspaper in circulation in the community affected by the application on November 14, 2023, and
- sending 7 notification letters to people identified by Camrose County as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours for public viewing.

### **3. Notice to other persons or organizations**

Under NRCB policy, 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), and Alberta Transportation and Economic Corridors (TEC).

I also sent a copy of the application to Shackleton Exploration Ltd., Battle River Gas Co-op Ltd, and Battle River Power Coop as right of way holders.

No responses were received from any agencies.

### **4. Alberta Land Stewardship Act (ALSA) regional plan**

Section 22(9) of AOPA requires that an approval officer must ensure the application complies with any applicable ALSA regional plan.

There is no ALSA regional plan for the area where the proposed CFO is to be located.

### **5. Municipal Development Plan (MDP) consistency**

I have determined that the proposed CFO is consistent with the land use provisions of Camrose County’s municipal development plan. (See Appendix A for a more detailed discussion of the county’s planning requirements.)

### **6. AOPA requirements**

With respect to the technical requirements set out in the regulations, the proposed CFO:

- 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 of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 9 and in Appendix B, the application meets all relevant AOPA requirements.

## **7. Responses from municipality and other directly affected parties**

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.” Camrose County is an affected party (and directly affected) because the proposed CFO is located within its boundaries.

Ms. Kim Hunter, a development officer with Camrose County’s planning department, provided a written response on behalf of Camrose County. Ms. Hunter stated that the application is consistent with Camrose County’s municipal development plan land use provisions. The application’s consistency with the land use provisions of Camrose County’s municipal development plan, are addressed in Appendix A, attached.

Ms. Hunter also listed the setbacks required by Camrose County’s land use bylaw (LUB) and noted that the application meets these setbacks, as long as the proposed broiler barn is constructed at least 40 m from Range Road 201. The applicant was notified and stated their compliance with the requirement.

No other responses were received.

## **8. Environmental risk of CFO facilities**

New CFO facilities which clearly meet or exceed AOPA requirements may be assumed to pose a low risk to surface and groundwater. There may be circumstances where, because of the proximity of a shallow aquifer, or porous subsurface materials and surface water systems, an approval officer may require groundwater monitoring for the facility. In this case, a determination was made that groundwater monitoring is not necessary because the application meets all relevant AOPA requirements, and the subsurface materials provide additional groundwater protection.

## **9. Terms and conditions**

Registration RA23002 specifies the cumulative permitted livestock capacity as 36,000 chicken broilers and permits the construction of the proposed broiler barn.

Registration RA23002 contains terms that the NRCB generally includes in all AOPA registrations, including 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 the terms described above, Registration RA23002 includes conditions that generally address a construction deadline, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix B.

## **10. Conclusion**

Registration RA23002 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA23002.

January 16, 2024

(Original signed)  
Sarah Neff  
Approval Officer

## **Appendices:**

- A. Consistency with the municipal development plan
- B. Explanation of conditions in Registration RA23002

## **APPENDIX A: Consistency with the municipal development plan**

Under section 22 of AOPA, an approval officer may only approve an application for a registration or amendment of a registration if the approval officer holds the opinion that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP).

This does not mean consistency with the entire MDP. In general, “land use provisions” cover MDP policies that provide generic directions about the acceptability of various land uses in specific areas.

“Land use provisions” do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. Similarly, section 22(2.1) of the Act precludes approval officers from considering MDP provisions “respecting tests or conditions related to the construction of or the site” of a CFO or manure storage facility, or regarding the land application of manure. (These types of MDP provisions are commonly referred to as MDP “tests or conditions.”) “Land use provisions” also do not impose procedural requirements on the NRCB. (See NRCB Operational Policy 2016-7: Approvals, part 9.2.7, updated November 14, 2023.)

Boese’s CFO is located in Camrose County and is therefore subject to that county’s MDP. Camrose County adopted the latest revision to this plan on April 12, 2016, under Bylaw #1372.

Below are the MDP policies that apply to CFOs.

Policy 4.3.7 requires that applications for a new or expanding CFO “meet the Agricultural Operations Practices Act (AOPA)”. This is likely not a land use provision. At any rate, as discussed in section 6 above and in Technical Document RA23002, the application meets all relevant AOPA requirements.

Policy 4.3.8 states that “at the discretion of County Council, large CFOs shall be prohibited in the County”. However, the MDP does not define what qualifies as a “large CFO”. This policy is likely not a “land use provision” because it calls for discretionary judgements about the acceptable maximum size of a CFO.

Policy section 4.3.9 states that the county does not support new or expanding CFOs that are “within 3,219 m (2 miles) of the City of Camrose, 3,219 m (2 miles) from any recreational lake, or 1,610 m (1 mile) from any other urban municipality or hamlet”. Boese’s CFO is not located within the setbacks from the City of Camrose, an urban municipality or hamlet, or recreational lake.

Policy sections 9.0 “Environmental”, are not applicable because the proposed CFO is not located within an environmentally sensitive land as shown on Figure 5 of Camrose County’s MDP.

For these reasons, I conclude that the application is consistent with the land use provisions of Camrose County’s MDP that I may consider.

## **APPENDIX B: Explanation of conditions in Registration RA23002**

Conditions in Registration RA23002 include:

### **a. Construction Deadline**

Boese proposes to complete construction of the proposed new broiler barn by October 2026. This timeframe is considered to be reasonable for the proposed scope of work. The deadline of October 31, 2026, is included as a condition in Registration RA23002.

### **b. Post-construction inspection and review**

The NRCB's general practice is to include conditions in new or amended permits to ensure that the new or expanded facilities are constructed according to the required design specifications. Accordingly, Registration RA23002 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the broiler barn to meet the specification for category D (solid manure – dry) in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas.”

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed in accordance with the permit requirements. To be effective, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Registration RA23002 includes a condition stating that Boese shall not place livestock or manure in the manure storage or collection portions of the new broiler barn until NRCB personnel have inspected the broiler barn and confirmed in writing that it meets the registration requirements.