



Decision Summary LA23037A

This document summarizes my reasons for issuing Approval LA23037A, and amended version of Approval LA23037, under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA23037A. 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 of an approval. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On May 1, 2024, Wild Rose Hutterian Brethren (Wild Rose Colony) submitted an Application for Amendment to the NRCB to amend the location of an approved layer barn in Approval LA23037 at an existing multi species CFO.

Wild Rose Colony submitted the application to amend the location of the approved layer barn, because water naturally drained through the approved location, and they did not want to alter the flow of water. No change in animal numbers were proposed with this application.

On May 15, 2024, I deemed the application complete.

a. Location

The existing CFO is located at the W ½ 30-16-25 W4M and SE 30-16-25 W4M in Vulcan County, roughly 10 km southwest of the town of Vulcan, Alberta. The terrain slopes gently to the north. The closest surface water body is an ephemeral creek approximately 340 m west of the CFO, which drains into a marsh in the NW corner of the section.

b. Existing permits

The CFO is permitted under NRCB Approval LA23037, which superseded all previous permits. This permit allows for the operation of a multi-species CFO with the following animals numbers:

- 120 dairy milking cows (plus dries and replacements)
- 340 swine farrow to finish
- 30,000 chicken layers
- 15,000 chicken pullets
- 1,000 chicken broilers
- 800 ducks
- 350 geese

The CFO's existing permitted facilities are listed in the appendix to the Approval LA23037A.

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 remained 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 Vulcan County, which is the municipality where the CFO is located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- advertisement in the online edition of the Vulcan Advocate on May 15, 2024, and
- sending 12 notification letters to people identified by Vulcan County as owning or residing on land within the notification distance.

The full application was made available for viewing at the NRCB’s Lethbridge office during regular business hours.

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 Environment and Protected Areas (EPA) and Alberta Transportation & Economic Corridors (TEC).

I also sent a copy of the application to Sunshine Gas Coop Ltd., and Fortis Alberta Inc. as they are right of way (ROW) easement holders on the subject land.

Ms. Leah Olsen, a development/planning technologist with TEC, stated in her response that a permit will not be required for the proposed development.

Mr. Jeff Gutsell, a hydrogeologist with EPA, stated in his response that there will be no additional water requirements and Alberta Environment and Protected Areas had no further questions or concerns regarding this application.

I did not receive any responses from ROW easement holders.

4. Alberta Land Stewardship Act (ALSA) regional plan

Section 20(10) of AOPA requires that an approval officer must ensure the application complies with any applicable ALSA regional plan.

As required by section 4(1) of the South Saskatchewan Regional Plan (SSRP), I considered that document's Strategic Plan and Implementation Plan and determined that the application remains consistent with those plans. In addition, there are no notices or orders under the Regulatory Details portion of the SSRP that apply to this application.

5. Municipal Development Plan (MDP) consistency

I have determined that the proposed change in location to the approved layer barn remains consistent with the land use provisions of Vulcan County's municipal development plan. (See Appendix A in Approval LA23037 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 modification:

- 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 10 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." Vulcan County is an affected party (and directly affected) because the CFO amendment is located within its boundaries.

Alena Matlock, a development officer with Vulcan County, provided a written response on behalf of Vulcan County. Alena Matlock stated that the application is consistent with Vulcan County's land use provisions of the municipal development plan (MDP), and it falls outside of the Confined Feeding Operation exclusion zone located within Vulcan County's MDP. This is the same MDP that the NRCB considered when Approval LA23037 was issued on January 17, 2024. Wild Rose Colony's present application is consistent with that MDP for the same reasons as those provided in Appendix A of Decision Summary LA23037. Alena Matlock also stated that the land use district for the site and surrounding 1.5 miles is Rural General. The application's

consistency with the land use provisions of Vulcan County's municipal development plan is addressed in Appendix A of Decision Summary LA23037.

Apart from municipalities, any member of the public may request to be considered "directly affected."

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

8. Environmental risk of CFO facilities

When reviewing an approval amendment application for an existing CFO, NRCB approval officers assess the CFO's existing buildings, structures, and other facilities. In doing so, the approval officer considers information related to the site and the facilities, as well as results from the NRCB's environmental risk screening tool (ERST). The assessment of environmental risk focuses on surface water and groundwater. The ERST provides for a numeric scoring of risks, which can fall within either a low, moderate, or high risk range. (A complete description of this tool is available under CFO/Groundwater and Surface Water Protection on the NRCB website at www.nrcb.ca.) However, if those risks have previously been assessed, the approval officer will not conduct a new assessment unless site changes are identified that require a new assessment, or the assessment was supported with a previous version of the risk screening tool and requires updating. See NRCB Operational Policy 2016-7: *Approvals*, part 9.17.

In this case, the risks posed by Wild Rose Colony's existing CFO facilities were assessed in 2017 using the ERST. According to that assessment, the facilities posed a low potential risk to surface water and groundwater.

There have been no changes related to groundwater or surface water protection, water wells, or CFO facilities since that assessment was done. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

9. Other factors

The previous decision summary for Approval LA23037 (part 8) discussed other factors to be considered, including MDP consistency, the environment, economy, the community, and appropriate use of land. I have determined the change in location to the approved layer barn has no impact on these determinations.

10. Terms and conditions

Rather than issuing a separate amendment to be read in conjunction with Approval LA23037, I am consolidating it into this amended permit, Approval LA23037A, with the required amendment. Approval LA23037A therefore, contains all the terms and conditions in Approval LA23037, but with a new location for the approved layer barn (see NRCB Operational Policy 2016-7: *Approvals*, part 11.5).

11. Conclusion

Approval LA23037A is issued for the reasons provided above, in Decision Summary LA23037, and in Technical Documents LA23037 and LA23037A.

Wild Rose Colony's NRCB-issued Approval LA23037 is therefore superseded, and its content consolidated into this Approval LA23037A, unless Approval LA23037A is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval LA23037 will remain in effect.

July 9, 2024

(Original signed)
Kelsey Peddle
Approval Officer