

## Decision Summary RA24027

This document summarizes my reasons for issuing Registration RA24027 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA24027. 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 May 27, 2024, Brad and Joyce Goossen (Goossen) submitted a Part 1 and Part 2 application to the NRCB to expand an existing poultry CFO.

On June 4, 2024, I deemed the Part 2 application complete.

The proposed expansion involves:

- Increasing the permitted number of livestock from 17,400 to 41,300 chicken broilers
- Constructing a new broiler barn (Barn 3) – 76.2 m x 18.3 m

#### a. Location

The existing CFO is located at NE 19-44-20 W4M in Camrose County, roughly 7 km northeast of Edberg, Alberta. The land is relatively flat with a gentle slope towards the south. The closest body of water is a slough approximately 109 meters northwest of the proposed barn.

#### b. Existing permits

As the CFO existed on January 1, 2002, without a development permit, the CFO is considered to have a deemed registration at this site. On June 12, 2012, the NRCB issued Authorization RA12033 which determined the capacity of the existing CFO at 17,400 chicken broilers. Additionally, this authorization permitted the installation of a new concrete floor in one of the existing barns.

The list of the CFO's existing permitted facilities is included in the appendix to Registration RA24027.

### 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 180 metres. 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 located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in the Camrose Booster newspaper in circulation in the community affected by the application on June 4, 2024, and
- sending 10 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 at the NRCB's Red Deer office.

### **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.

A referral letter and a copy of the complete application was emailed to Alberta Environment and Protected Areas (EPA).

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

No responses were received from any organizations.

### **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 existing CFO is to be located.

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

I have determined that the proposed expansion 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 expansion:

- Meets the required AOPA setbacks from nearby residences, with one exception (AOPA setbacks are known as the “minimum distance separation” requirements, or MDS). The owners of that residence have signed a written waiver of the MDS requirement to their residence
- 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 expansion is located within its boundaries.

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

Ms. Hunter also listed the setbacks required by Camrose County’s land use bylaw (LUB) and noted that the drawings included in the application made it unclear whether the setbacks were met. I reviewed these setbacks via aerial photography measurements and determined that the proposed construction meets the setbacks.

The NRCB considers a person who owns a residence within the MDS of the CFO, and who waives the MDS requirements in writing to be automatically considered a directly affected (see NRCB Operational Policy 2016-7: Approvals, part 7.2.2). Reg and Connie Siemens provided an MDS waiver and are a directly affected party.

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. An assessment was made, and groundwater monitoring is not required for this facility.

When reviewing a new registration 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](http://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 Goossen's existing CFO facilities were assessed in 2012 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. Terms and conditions**

Registration RA24027 specifies the cumulative permitted livestock capacity of 41,300 chicken broilers and permits the construction of the new broiler barn.

Registration RA24027 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 RA24027 includes conditions that generally address construction deadline, document submission and post construction inspection. For an explanation of the reasons for these conditions, see Appendix B.

For clarity, and pursuant to NRCB policy, I consolidated the following permit with Registration RA24027: Authorization RA12033 (see NRCB Operational Policy 2016-7: Approvals, part 11.5). Permit consolidation helps the permit holder, municipality, neighbors, 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. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion. All conditions from the historical permits are carried forward into the new registration.

## 10. Conclusion

Registration RA24027 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA24027.

Goossen's NRCB-issued Authorization RA12033, as well as the deemed registration, are therefore superseded, and their content consolidated into this Registration RA24027, unless Registration RA24027 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Authorization RA12033 and the deemed registration will remain in effect.

July 10, 2024

(Original signed)

Sarah Neff  
Approval Officer

### Appendices:

- A. Consistency with the municipal development plan
- B. Explanation of conditions in Registration RA24027

## **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.)

Goossen’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 March 26, 2024, under Bylaw 1540.

The following MDP policies 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, 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 “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 4.3.9 states that the County does not support new CFOs that are “within 3,219 m (2 miles) from any recreational lake, or 1,610 m (1 mile) from any hamlet”. Goossen’s CFO is not located within the setbacks from the City of Camrose, an urban municipality, hamlet, or recreational lake.

Policy 4.3.10 states that development of new or expanding CFOs adjacent to other municipal neighborhoods “shall be as outlined in the applicable IDP”. Goossen’s CFO is not within an IDP boundary and is therefore consistent with this policy.

Policy 4.3.11 states that “AOPA regulations shall apply” to those new or expanding CFOs outside of the areas identified in 4.3.9 and 4.3.10. This is likely not a “land use provision”, regardless, Goossen’s CFO complies with AOPA regulations.

Policy sections 9.0 “Environmental”, are not applicable because the proposed barn 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 RA24027**

Registration RA24027 includes several conditions, discussed below, and carries forward a number of conditions from Authorization RA12033. Construction conditions from historical permit RA12033 that have been met are identified in the appendix to Registration RA24027.

### **New conditions in Registration RA24027**

#### **a. Construction Deadline**

Goossen proposes to complete construction of the proposed new broiler barn by November 1, 2024. I do not consider this timeframe to be reasonable for the proposed scope of work, as it does not allow for unforeseeable circumstances such as construction delays. I therefore extended the deadline by an additional construction season. The deadline of November 1, 2025, is included as a condition in Registration RA24027.

#### **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 RA24027 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the new 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.” Goossen to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the broiler barn.

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 RA24027 includes a condition stating that Goossen shall not place livestock or manure in the manure storage or collection portions of the new broiler barn until NRCB personnel have inspected the barn and confirmed in writing that it meets the registration requirements.