

Decision Summary LA24046

This document summarizes my reasons for issuing Authorization LA24046 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA24046. 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 authorization. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On October 31, 2024, Silver Winds Hutterian Brethren and Silver Winds Farming (Silver Winds Colony) submitted a Part 1 application to the NRCB to construct a manure storage facility (MSF) facility at an existing multi species CFO.

The Part 2 application was submitted on April 15, 2025. On April 16, 2025, I deemed the application complete.

The proposed construction involves:

- Constructing a solid manure/composting pad – 27 m x 20 m

a. Location

The proposed MSF is located at NW 6-17-21 W4M in Vulcan County, roughly 18 km northwest of the Village of Lomond, AB. The terrain is undulating. The nearest watercourse is an unnamed tributary to Lake McGregor; the unnamed tributary is approximately 800 m south of the CFO.

b. Existing permits

The CFO is currently permitted under Approval LA17073 and Authorization LA21051.

2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies all parties that are “affected” by an authorization application. Section 5 of AOPA’s Part 2 Matters Regulation defines “affected parties” as:

- the municipality where the CFO is located or is to be located
- 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
- any other municipality whose boundary is within a notification distance. In this case, the notification distance is 1 mile from the CFO

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.

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 Environment and Protected Areas (EPA), Alberta Transportation and Economic Corridors (TEC), and the Bow River Irrigation District.

I also sent a copy of the application to Sunshine Gas Coop Ltd. as they are a utility right-of-way (ROW) holder on the subject land.

I received responses from Leah Olsen, a development and planning technologist with TEC, and Bradley Calder, a water administration technologist with EPA.

In her response, Ms. Olsen stated that TEC has no concerns or requirements with respect to this proposal and a permit will not be required.

In his response, Mr. Calder stated that EPA has no questions or concerns regarding this application.

LA24046 does not relieve the permit holder from complying with other applicable laws, such as safety codes, other municipal bylaws, provincial legislation (e.g. *Historical Resources Act*), and federal legislation (e.g. *Migratory Birds Convention Act*).

I did not receive any other responses.

4. Municipal Development Plan (MDP) consistency

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

5. AOPA requirements

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

- 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 groundwater protection requirements for the design of protective layers of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 8, the application meets all relevant AOPA requirements.

6. Responses from 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.

Municipalities that are affected parties are identified by the Act as "directly affected." Vulcan County is an affected party (and directly affected) because the proposed facility is located within its boundaries.

Ms. Alena Matlock, a development officer with Vulcan County, provided a written response on behalf of Vulcan County. Ms. 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. Additionally, Ms. Matlock stated that the land zoning for the surrounding areas (2,414 m) is rural general and reservoir vicinity. The application's consistency with the Vulcan County's municipal development plan is addressed in Appendix A, attached.

Ms. Matlock did not list the setbacks required by Vulcan County's land use bylaw (LUB), but did note that it appears the proposal meets the required municipal setbacks, however, could not confirm if setbacks are met as there are no distances illustrated. Upon review of the LUB, the application meets these setbacks.

7. Environmental risk of facilities

New MSF 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, porous subsurface materials, or surface water systems an approval officer may require groundwater and/or surface water monitoring for the facility. In this case, a determination was made, and monitoring is not required.

When reviewing a new authorization 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 Silver Winds Colony's existing CFO facilities were assessed in 2018 and 2021 using the ERST. According to those assessments, the facilities posed a low potential risk to surface water and groundwater.

The circumstances have not changed since those assessments were done. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

8. Terms and conditions

Authorization LA24046 permits the construction of the manure storage/composting pad.

Authorization LA24046 contains terms that the NRCB generally includes in all AOPA authorizations, 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, Authorization LA24046 includes conditions that generally address construction deadline and construction inspection. For an explanation of the reasons for these conditions, see Appendix B.

9. Conclusion

Authorization LA24046 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA24046.

Authorization LA24046 must be read in conjunction with Silver Winds Colony NRCB issued Approval LA17073 and Authorization LA21051, which remain in effect.

June 25, 2025

(Original signed)
Kelsey Peddle
Approval Officer

Appendices:

- A. Consistency with the municipal development plan
- B. Explanation of conditions in Authorization LA24046

APPENDIX A: Consistency with the municipal development plan

Under section 22 of AOPA, an approval officer may only approve an application for an authorization or amendment of an authorization 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.)

Silver Winds Colony’s CFO is located in Vulcan County and is therefore subject to that county’s MDP. Vulcan County adopted the latest revision to this plan on April 4, 2012, under Bylaw 2012-003.

Part 4 of Vulcan County’s MDP deals specifically with CFOs. Sections 4.1 to 4.3 of the MDP provide specific provisions for proposed CFO expansions.

Section 4.1 precludes CFO expansions in any of the exclusion zones shown in Appendix B of the MDP. Silver Winds Colony’s CFO is not located in any of the exclusion areas shown in this appendix.

Sub-sections 4.2(a), (c), and (d) of the MDP establish several setbacks to roads. None of the existing or proposed CFO facilities are within any of these setbacks.

Sub-section 4.2(b) states that applications for CFOs near a highway “should be referred to Alberta Transportation for a roadside development permit.” This is likely not a land use provision because of its procedural focus and therefore, is not relevant to my MDP consistency determination. Regardless, Silver Winds Colony’s CFO is not located near a highway.

Sub-sections 4.3(a) and (b) of the MDP list two factors that the NRCB “should consider” in its review of approval applications. These factors are:

- (a) The cumulative effects of a new approval on any area near other existing confined feeding operations [and]
- (b) Impacts on environmentally sensitive areas shown in the report, “Vulcan County: Environmentally Sensitive Areas in the Oldman River Region”

Sub-section (a) is likely not a land use provision, because it calls for project-specific, discretionary judgements about the types of cumulative effects that should be considered and the acceptable maximum levels of each of those effects.

As for sub-section (b), it is also likely not a land use provision, as it calls for project-specific, discretionary judgements about the acceptable level of impacts on environmentally sensitive areas. Nevertheless, the application is consistent with this sub-section because the CFO site is not within any environmentally sensitive area shown in the report referenced in the MDP.

Sub-section 4.3(c) calls for “giving notice to adjacent landowners” of AOPA permit applications. This policy is likely not a land use provision because of its procedural focus and is therefore not relevant to my MDP consistency determination. Having said that, I did notify Vulcan County and several referral agencies of the authorization application, in accordance with AOPA and NRCB policy.

Sub-section 4.3(d) of the county’s MDP call for the NRCB to consider “proof of the availability of water, specifically, confirmation of access and appropriate provision of the sufficient quantity and suitable quality of the required water supply”. This is likely not a land use provision and therefore, not relevant to my MDP consistency determination. Beyond the MDP consistency context, under NRCB policy, approval officers will consider water supply issues only to the extent of requiring applicants to sign one of the water licensing declarations on page 5 of Technical Document LA24046 (see Operational Policy 2016-7: Approvals, part 8.15). Additionally, as this application does not involve an increase in animal numbers, there is no need for an increase in water licensing. This is supported by EPA’s response to the application in which they stated they have no questions or concerns regarding the application.

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

APPENDIX B: Explanation of conditions in Authorization LA24046

Authorization LA24046 includes several conditions, discussed below:

a. Construction deadline

Silver Winds Colony proposes to complete construction of the proposed new solid manure/composting pad by April 15, 2025. I am of the opinion that a longer time-frame is more appropriate to account for unforeseen delays in construction. The deadline of November 30, 2025, is included as a condition in Authorization LA24046.

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.

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. Authorization LA24046 includes a condition stating that Silver Winds Colony shall not place manure in the manure storage or collection portions of the new solid manure/composting pad until NRCB personnel have inspected the solid manure/composting pad and confirmed in writing that it meets the authorization requirements.