

Decision Summary LA25025

This document summarizes my reasons for issuing Approval LA25025 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA25025. 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 approval. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On March 21, 2025, Meridian Hutterian Brethren (Meridian Colony) submitted a Part 1 application to the NRCB to expand an existing multi species CFO.

The Part 2 application was submitted on March 31, 2025. At the time of filing the Part 2 application and during my site visit, I became aware of the construction and population of the Mc Barn. As a result, I notified an inspector with the NRCB's Compliance division of the unauthorized construction and population of the barn. The inspector followed up on the unauthorized construction, spoke with the applicant, and issued an Inspection Report. The inspector decided to issue an Inspection Report, rather than a Compliance Directive, because the applicant had already submitted an application that included the unauthorized construction.

On April 15, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing chicken broiler numbers from 40,000 to 80,000
- Increasing duck numbers from 0 to 400
- Increasing geese numbers from 0 to 200
- Increasing turkey numbers from 0 to 300
- Constructing a broiler barn – 18.3 m x 121.9 m
- Permitting the already constructed Mc Barn – 12.2 m x 45.7 m

a. Location

The existing CFO is located at SW 36-24-2 W4M and NE 35-24-2 W4M in the Municipal District (MD) of Acadia, roughly 6.4 km southeast of the Hamlet of Acadia Valley. The topography of the site is flat to gently undulating. The closest common body of water is an intermittent stream approximately 2 km north of the CFO.

b. Existing permits

The existing CFO is currently permitted under Approval LA22021, which superseded all previous permits. This permit allows the construction and operation of a CFO with 40,000 chicken broilers, 28,500 chicken layers (plus associated pullets), and 500 beef finishers. The CFO's existing permitted facilities are listed in the Appendix of Approval LA25025.

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 one 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 the MD of Acadia, 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 Oyen Echo newspaper in circulation in the community affected by the application on April 15, 2025, and
- sending nine notification letters to people identified by the MD of Acadia as owning or residing on land within the notification distance.

The full application was made available for viewing at the NRCB office in Lethbridge 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 Dry Country Gas Coop Ltd. as they are a utility right-of-way (ROW) holder on the subject land.

I received responses from Brittany Van Norman and Nichole Kwan, assistant development and planning technologists with TEC.

In the first response, Ms. Van Norman stated that a development permit from TEC is required. I sent an email to Ms. Van Norman and Ms. Kwan asking for clarification on the permit requirements, as previous responses from TEC stated the site of the existing CFO did not

require permits from TEC. In correspondence with Ms. Van Norman and Ms. Kwan, it was discovered that there was a clerical error regarding the legal land description (LLD), and a development permit from TEC is not required. The responses from TEC were forwarded to the applicant for their information.

Approval LA25025 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. 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.

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

5. Municipal Development Plan (MDP) consistency

I have determined that the proposed expansion is consistent with the land use provisions of the MD of Acadia'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 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 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." The MD of Acadia is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Mr. Kenton Irvine-Peers, chief administrative officer with the MD of Acadia, provided a written response on behalf of the MD of Acadia. Mr. Irvine-Peers stated that the MD of Acadia has no comments to make on the application. He also stated that the application meets the land use provisions in the MDP and the land use zoning of the site of the application is Agricultural District (AG). The application's consistency with the land use provisions of the MD of Acadia's municipal development plan is addressed in Appendix A, attached.

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

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. Based on the information in the application, as well as from a site visit, I did not identify any reasons to implement groundwater monitoring for the proposed broiler barn or for the already constructed Mc Barn.

When reviewing a new approval 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 Meridian Colony's existing CFO facilities were assessed in 2018 and 2021 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

Because the approval application is consistent with the MDP land use provisions, and meets the requirements of AOPA and its regulations, I also considered other factors.

AOPA requires me to consider matters that would normally be considered if a development permit were being issued. The NRCB interprets this to include aspects such as property line and road setbacks related to the site of the CFO. (Grow North, RFR 2011-01 at page 2). Approval officers are limited to what matters they can consider though as their regulatory authority is limited.

Mr. Kenton Irvine-Peers did not list the setbacks required by the MD of Acadia's land use bylaw (LUB), but did comment that the application meets municipal setbacks. Upon review of the LUB, the application meets these setbacks.

I have considered the effects the proposed expansion may have on natural resources administered by provincial departments. EPA has not made me aware of statements of concern submitted under section 73 of the *Environmental Protection and Enhancement Act* or under section 109 of the *Water Act* in respect of the subject of this application.

I am not aware of a written decision of the Environmental Appeals Board for this location (<http://www.eab.gov.ab.ca/status.htm>), accessed June 20, 2025.

Finally, I considered the effects of the proposed expansion on the environment, the economy, and the community, and the appropriate use of land.

Consistent with NRCB Operational Policy 2016-7: *Approvals*, part 9.10.9, I presumed that the effects in the environment are acceptable because the application meets all of AOPA's technical requirements. I see nothing in the information before me to suggest that effects on the environment will be unacceptable and, in my view, this presumption is not rebutted.

Consistent with NRCB Operational Policy 2016-7: *Approvals*, part 9.10.9, if the application is consistent with the MDP then the proposed expansion is presumed to have an acceptable effect on the economy and community. I encountered no submissions or evidence, including from the MD of Acadia, that effects on the community and economy would be unacceptable. In my view, this presumption is not rebutted.

I also presumed that the proposed expansion is an appropriate use of land because the application is consistent with the land use provisions of the municipal development plan (see NRCB Operational Policy 2016-7: *Approvals*, part 9.10.9). In my view, this presumption is not rebutted.

10. Terms and conditions

Approval LA25025 specifies the cumulative permitted livestock capacity as 28,500 chicken layers (plus additional pullets), 80,000 chicken broilers, 500 beef finishers, 400 ducks, 200 geese, 300 turkeys, permits the construction of the broiler barn, and permits the use of the mc barn.

Approval LA25025 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.

In addition to the terms described above, Approval LA25025 includes conditions that generally address construction deadline, document submission and 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 Approval LA25025: Approval LA22021 (see NRCB Operational Policy 2016-7: *Approvals*, part 11.5). 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. 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 Approval LA22021 have been carried forward (see the Appendix of Approval LA25025).

11. Conclusion

Approval LA25025 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA25025.

Meridian Colony's NRCB-issued Approval LA22021 is therefore superseded, and its content consolidated into this Approval LA25025, unless Approval LA25025 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval LA22021 will remain in effect.

June 24, 2025

(Original signed)
Kelsey Peddle
Approval Officer

Appendices:

- A. Consistency with the municipal development plan
- B. Explanation of conditions in Approval LA25025

APPENDIX A: Consistency with the municipal development plan

Under section 20 of AOPA, an approval officer may only approve an application for an approval or amendment of an approval 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 20(1.1) 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.)

Meridian Colony’s CFO is located in the MD of Acadia and is therefore subject to that MD’s MDP. The MD of Acadia adopted the latest revision to this plan on February 8th, 2022, under Bylaw 2022/782.

The MD of Acadia’s MDP states the following agricultural objectives in section 6.1:

- a) *To preserve the better quality soils for extensive agricultural land uses.*
- b) *To retain agricultural development as the primary economic activity in the MD of Acadia.*

Part a) of these objectives requires a determination of soil quality for extensive agricultural uses. As “better quality soils” is not specifically defined in the MDP, and because it refers to “extensive agricultural land uses” this policy is likely not relevant to my MDP consistency determination. Additionally, it looks to preserve better quality soils which I do not consider to be a land use provision I am to consider under AOPA.

Part b) of the objective seeks to retain agriculture as the primary economic activity in the municipal district. I do not consider this to be a land use provision, however, Meridian Colony’s proposed broiler barn would support this objective.

Section 6.2 a) of the MDP states “[t]he MD determines the protection and productive development of agricultural land as a valuable economic resource to be a top priority.” This appears to provide information on how much value the MD places on agricultural land and is likely not a land use provision. Therefore, this is not relevant to my MDP consistency determination.

Section 6.2 b) states “[e]very effort will be made to ensure, so far as practical, that viable farm holdings are neither severed nor fragmented by non-agricultural development and that extensive areas of good quality agricultural land are protected in order to encourage continued investment. Good quality agricultural land will be generally defined as Class 1, 2, 3, and 4 soils under the Canadian Land Inventory agricultural rating system or their equivalent (28% or greater) as determined by the MD of Acadia’s farmland assessment records.” This is likely not a land use provision, as it speaks to protecting agricultural land from being subdivided and determining what the MD considers “good quality agricultural land”. Therefore, this is not relevant to my MDP consistency determination.

Sections 6.2 c) and d) speak to the location and area of land required for non-agricultural development. These are likely not land use provisions, as they give direction to the MD on where it is appropriate for development not related to agriculture and how much land is required for such development, which are municipal planning matters. Further, the proposed broiler barn would be considered agricultural development. Nevertheless, I find these to be irrelevant to my MDP consistency determination.

Section 6.2 e) states “[w]here feasible, Council shall encourage the use of land conservation practices.” “Land conservation practices” is not specifically defined in the MDP. Further, this is directed at the Council of the MD of Acadia. Therefore, I do not consider this to be a land use provision and irrelevant to my MDP consistency determination.

Section 6.2 f) states “[c]ouncil supports the expansion of irrigation in the MD of Acadia.” This is not a land use provision that relates to CFOs, as it speaks to irrigation which is not regulated by the NRCB under AOPA. Therefore, this is not relevant to my MDP consistency determination.

Section 6.2 g) states “[c]ouncil supports and encourages the development of agricultural value-added facilities, diversified farming operations and home occupations and small scale recreation and tourism developments by farm families in agricultural areas.” This is directed at the council of the MD of Acadia and the types of development supported in agricultural areas and is likely not a land use provision. Regardless, the proposed broiler barn would be considered a “value-added facility” and also a “diversified farming operation” and would meet this objective.

For these reasons, there are no land use provisions in the MDP that I may consider in relation to this CFO. In general, the MDP is aspirational and relies on the MD of Acadia to carry out its concepts. In my view, the application is consistent with the land use provisions of the MD of Acadia’s MDP that I may consider.

APPENDIX B: Explanation of conditions in Approval LA25025

Approval LA25025 includes several conditions, discussed below, and carries forward all conditions from Approval LA22021. Construction conditions from historical permits that have been met are identified in the appendix to Approval LA25025.

a. Construction Deadline

Meridian Colony proposes to complete construction of the proposed new chicken broiler barn by November 30, 2026. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of November 30, 2026, is included as a condition in Approval LA25025.

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, Approval LA25025 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.”
- b. Meridian Colony 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. Approval LA25025 includes a condition stating that Meridian Colony 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 approval requirements.