

Decision Summary RA25036

This document summarizes my reasons for issuing Authorization RA25036 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25036. 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 May 15, 2025, Whitesand Hutterian Brethren, operating as Whitesand Farming Co. Ltd. (Whitesand Colony), submitted a Part 1 application to the NRCB to construct a new manure storage facility (MSF) at an existing multi-species CFO.

The Part 2 application was submitted on May 15, 2025, and I deemed the application complete on the same day.

The proposed construction involves:

- Constructing a calf barn – 39.6 m x 13.7 m (130 ft. x 45 ft.)

a. Location

The existing CFO is located at section 12-39-19 W4M in the County of Stettler, roughly 4.4 km east of Stettler, Alberta. The terrain is generally undulating but relatively flat in the immediate area of the CFO. The closest common body of water is a seasonal drain located approximately 450 m west.

b. Existing permits

The CFO is already permitted under Approval RA16034A and Authorization RA24013A.

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 ½ mile (805 m) 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 the County of Stettler, 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.

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 Apex Utilities Inc. as they are a right of way holder.

Mr. David Toop, a water administration hydrogeologist, responded on behalf of EPA. Mr. Toop stated that since the applicant has agricultural water licenses, and as no increase in livestock numbers is proposed, no further action is needed.

A representative from the Land Services department responded on behalf of Apex Utilities. They stated that they have no objection to the proposed development and provided a contact number if field locating is required. This information has been forwarded to the applicant.

4. Municipal Development Plan (MDP) consistency

I have determined that the proposed construction is consistent with the land use provisions of the County of Stettler'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 floors and liners of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 8 and Appendix B, 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.” The County of Stettler is an affected party (and directly affected) because the proposed facility is located within its boundaries.

Mr. Rich Fitzgerald, a development officer with the County of Stettler, provided a written response on behalf of the County of Stettler. Mr. Fitzgerald stated that the application is consistent with the County of Stettler’s land use provisions of the municipal development plan (MDP). The application’s consistency with the County of Stettler’s MDP is addressed in Appendix A, attached.

Mr. Fitzgerald also listed the setbacks required by the County of Stettler’s land use bylaw (LUB) and noted that the application meets these setbacks.

7. Environmental risk of 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, porous subsurface materials, or surface water systems an approval officer may require groundwater monitoring for the facility. The information on this file supports the assumption that risks to groundwater and surface water are low and groundwater 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 Whitesand Colony’s existing CFO facilities were assessed in 2014, 2017 and 2024 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 RA25036 permits the construction of a calf barn.

Authorization RA25036 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 RA25036 includes conditions that generally address construction deadline, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix B.

9. Conclusion

Authorization RA25036 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25036.

Authorization RA25036 must be read in conjunction with previously issued Approval RA16034A and Authorization RA24013A which remain in effect.

July 4, 2025

(original signed)
Lynn Stone
Approval Officer

Appendices:

- A. Consistency with municipal land use planning
- B. Explanation of conditions in Authorization RA25036

APPENDIX A: Consistency with municipal land use planning

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) and any applicable intermunicipal development plan (IDP).

This does not mean consistency with the entire MDP or IDP. 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.)

Municipal Development Plan (MDP)

Whitesand Colony’s CFO is located in the County of Stettler and is therefore subject to that county’s MDP. The County of Stettler adopted the latest revision to this plan on August 9, 2023, under Bylaw #1704-23. Section 4.15 of the MDP speaks specifically to CFOs.

Under section 4.15, subsections (a) to (g) specify what the County will include in their response to the NRCB. These points are procedural and are not valid land use provisions.

Subsection (h) states that the County will support new and/or expanding CFOs, if they are located outside of the listed exclusion zones. Whitesand Colony’s existing site (and the proposed calf barn) is not located in an exclusion zone and is therefore consistent with this policy.

Subsections (i and j) list several future residential expansion areas. It goes on to state that where area structure plans, outline plans, and concept plans identify future residential development, an 800 m exclusion zone exists. Whitesand Colony’s existing site (and the proposed calf barn) is not located in any of these areas and is therefore consistent with this policy.

For these reasons, I conclude that the application is consistent with the land use provisions of the County of Stettler’s MDP that I may consider. There are no IPDs in place for the location of Whitesand Colony’s CFO.

APPENDIX B: Explanation of conditions in Authorization RA25036

a. Construction deadline

Whitesand Colony proposes to complete construction of the proposed new calf barn by December 1, 2027. This timeframe is considered to be reasonable for the proposed scope of work. The deadline of December 1, 2027 is included as a condition in Authorization RA25036.

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, Authorization RA25036 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the calf 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. Whitesand Colony to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the calf 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. Authorization RA25036 includes a condition stating that Whitesand Colony shall not place livestock or manure in the manure storage or collection portions of the new calf barn until NRCB personnel have inspected the barn and confirmed in writing that it meets the authorization requirements.