

## Decision Summary LA25038

This document summarizes my reasons for issuing Approval LA25038 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA25038. 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 an approval. For additional information on NRCB permits please refer to [www.nrcb.ca](http://www.nrcb.ca).

### 1. Background

On May 7, 2025, Slingerland Cattle Ltd. (Slingerland Cattle) submitted a Part 1 application to the NRCB to expand an existing beef CFO. The Part 2 application was submitted on the same day and I deemed the application complete on May 27, 2025.

The proposed expansion involves:

- Increasing beef feeder calf numbers from 2,500 to 5,000
- Constructing four southeast feedlot pens – total dimensions 113 m x 80 m
- Expanding the middle row of feedlot pens – 72 m x 91 m (total dimensions: 62 m x 307 m)
- Expanding the north row of feedlot pens- 72 m x 91 m (total dimensions: 66 m x 307 m)
- Converting a dugout into the east catch basin – 41 m x 41 m x 5.5 m deep

#### a. Location

The existing CFO is located at NW 14-10-22 W4M in Lethbridge County, roughly four km southwest of Shaughnessy, Alberta. The terrain is slightly undulating. The closest common body of water is Park Lake 2 km to the southwest.

#### b. Existing permits

To date, the CFO has been permitted under NRCB Approval LA17006. That permit superseded all previous permits and allowed the construction and operation of a 2,500 beef feeder calves CFO. The CFO's existing permitted facilities are listed in the appendix to the Approval LA25038.

## 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 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 Lethbridge 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 Sunny South newspaper in circulation in the community affected by the application on May 27, 2025, and
- sending 50 notification letters to people identified by Lethbridge County as owning or residing on land within the notification distance.

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

### **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 the Lethbridge Northern Irrigation District (LNID).

I also sent a copy of the application to Lethbridge North County Potable Water Coop Ltd. as they have a right of way on the subject land.

In their response, a water administration technologist with EPA stated that there are no available records for water wells within NW 14-10-22 W4M. Additionally, they recognized that the applicant will be applying for additional water conveyance from the LNID.

In their response, the LNID stated that an additional 11 acre-feet of water conveyance will be required for the proposed expansion, which will be invoiced to Slingerland Cattle upon NRCB’s decision. Additionally, they noted that all construction must be at least 15 m from the outside boundary of all LNID right of ways and it appears that the southeast pens are within this setback. This information has been passed onto the applicant and they are working with the LNID to address this setback issue. There will not be major changes to the dimensions or the location of the southeast feedlot pens to meet the setback.

Approval LA25038 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).

#### **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 is 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. MDP consistency**

I have determined that the proposed expansion is consistent with the land use provisions of Lethbridge County's municipal development plan. (See Appendix A for a detailed discussion of the county's planning requirements.) There is no applicable intermunicipal development plan.

#### **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 owner of that residence has 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 protective layers 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." Lethbridge County is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Ms. Hannah Laberge, a planning intern with Lethbridge County, provided a written response on behalf of Lethbridge County. Ms. Laberge stated that the application is consistent with Lethbridge County's land use provisions of the municipal development plan (MDP). The application's consistency with the land use provisions of Lethbridge County's MDP is addressed in Appendix A, attached.

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

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 7.2.1). Evert Beyer provided an MDS waiver and is a directly affected party.

## **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. The information on this file supports the assumption that risks to groundwater and surface water are low.

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](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 Slingerland Cattle'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**

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.

Ms. Hannah Laberge listed the setbacks required by Lethbridge County's land use bylaw (LUB) and noted that the application meets these setbacks.

I have also considered the effects the proposed expansion may have on natural resources administered by provincial departments. EPA has not made me aware of statements of concerns 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 25, 2025).

Finally, I considered the effects the proposed CFO expansion has on the environment, the economy, and the community, and the appropriate use of land. In doing so, I had before me information in the application, responses from Lethbridge County and referral agencies, and my own observations from site visits.

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, I presumed that the effects on the environment are acceptable because the application meets all of AOPA's technical requirements. 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. In my view, this presumption is not rebutted (see discussion of the municipal land use planning in Appendix A).

I also presumed that the proposed CFO 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 LA25038 specifies the cumulative permitted livestock capacity as 5,000 beef feeder calves and permits the construction of the 4 new southeast feedlot pens, expansion of the north row and the middle row of feedlot pens, and permits the east catch basin.

Approval LA25038 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 LA25038 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 LA25038: Approval LA17006 (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. Appendix B discusses which conditions from the historical permits are or are not carried forward into the new approval.

## **11. Conclusion**

Approval LA25038 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA25038.

Slingerland Cattle's NRCB-issued Approval LA17006 is therefore superseded, and its content consolidated into this Approval LA25038, unless Approval LA25038 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval LA17006 will remain in effect.

July 9, 2025

(original signed)  
Kailee Davis  
Approval Officer

## **Appendices:**

- A. Consistency with municipal land use planning
- B. Explanation of conditions in Approval LA25038

## **APPENDIX A: Consistency with municipal land use planning**

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), 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 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.)

### Municipal Development Plan (MDP)

Slingerland Cattle’s CFO is located in Lethbridge County and is therefore subject to that county’s MDP. Lethbridge County adopted the latest revision to this plan on March 10, 2022, under Bylaw #22-001.

The policies pertaining to CFOs are in part 4, section 3 “Intensive Livestock/Confined Feeding Operations.”

Section 3.0 states that the county is supportive of CFOs in areas that are less prone to conflict and where municipal infrastructure can support such developments.

This is likely not a land use provision as it is subjective what can or cannot be supported by municipal infrastructure and that is not within NRCB’s discretion.

Section 3.1 and 3.2 states that new CFOs are not permitted in the MDP CFO exclusion areas (Maps 2A and 2B), IDP CFO exclusions areas, or in CFO exclusion zones of high density residential growth centres.

This application is for the expansion of an existing CFO, not a new CFO. Therefore, this policy does not apply. However, the CFO is not in any exclusion areas identified in these policies.

Section 3.3 states that existing operations within an urban fringe district may be permitted to expand or make improvements with consideration to any IDP that allows for such.

The CFO is not located in an urban fringe district; therefore, this policy does not apply to the application.

Section 3.4 pertains to the consistency of CFO exclusion zones across the county’s planning documents.

This policy is procedural in nature and is not a land use provision. Therefore, it is not relevant to my MDP consistency determination.

Section 3.5 states that CFOs shall not be supported to establish or expand within environmentally sensitive areas identified in the *Cotton Wood Report: County of Lethbridge: Environmentally Significant Areas in the Oldman River Region (1987)*.

The CFO is not located within any environmentally sensitive areas identified in that report and is therefore consistent with this policy.

Section 3.6 states that “no part of a CFO building, structure, corrals, compost area, or stockpile is to be located within the property line and public roadway setbacks, including provincial highways, as outlined in the municipal Land Use Bylaw.”

In my view, this is a site-specific test and is not a valid land use provision. However, the application meets the setbacks outlined in Lethbridge County’s Land Use Bylaw and is therefore consistent with this policy. The response received from Lethbridge County supports this finding.

Section 3.7 states that CFOs are discretionary uses only in areas zoned as Rural Agriculture with a minimum parcel size of 80 acres.

As noted in Lethbridge County’s response, the proposed CFO expansion is within a land use district zoned as Rural Agricultural. The application is consistent with this part of the policy.

I consider the minimum parcel size a test or condition that I am unable to consider as section 20(1.1) of AOPA states that approval officers shall not consider provisions respecting tests or conditions related to the site for a CFO. However, the application is consistent with this part of the policy as well.

Sections 3.8, 3.9, 3.10, and 3.11 discuss CFO operational practices with respect to AOPA, manure spreading in CFO exclusion areas, the use of a reciprocal MDS, and collaboration with the NRCB, respectively.

These policies are not land use provisions (test or condition, not applicable, procedural) and therefore not relevant to my MDP consistency determination.

For these reasons, I conclude that the application is consistent with the land use provisions of Lethbridge County’s MDP that I may consider. There is no applicable intermunicipal development plan.



## **APPENDIX B: Explanation of conditions in Approval LA25038**

Approval LA25038 includes several conditions, discussed below. Construction conditions from historical Approval LA17006 that have been met are identified in the appendix to Approval LA25038.

### **a. Construction deadline**

Slingerland Cattle proposes to complete construction of the feedlot pens and catch basin by October 15, 2025. In my opinion, a longer time-frame is necessary to take unexpected delays into account. The deadline of October 15, 2026, is included as a condition in Approval LA25038.

### **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 LA25038 includes a condition requiring the permit holder provides written confirmation from a qualified third party confirming the final constructed dimensions of the east catch basin.

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 LA25038 includes conditions stating that Slingerland Cattle shall not place livestock or manure in the new and expanded feedlot pens and shall not allow manure contaminated run off to enter the east catch basin until NRCB personnel have inspected the facilities and confirmed in writing that they meet the approval requirements.