

Decision Summary RA24052A

This document summarizes my reasons for issuing Authorization RA24052A, an amended version of Authorization RA24052. This amendment of an authorization is issued on my own motion, under section 23 of the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA24052A. My decision is based on the Act and its regulations, the policies of the NRCB, and all other materials in the application file.

1. Background

Herman Verhoef on behalf of Verhoef Dairy Ltd. (Verhoef Dairy) owns and operates an existing dairy CFO with 120 milking cows (plus associated dries and replacements) and is located at NE 1-41-2 W5M in Lacombe County, roughly 8 km northwest of Bentley, Alberta. The terrain is undulating with a general slope to the north and northwest.

On April 4, 2025, Verhoef Dairy received an authorization to construct an addition to the dairy barn (27.4 m x 42.6 m (total length 80.7 m x 42.6 m)), and to construct a heifer barn (70.1 m x 18.3 m) and a solid manure storage pad (25 m x 25 m). None of these facilities have been constructed yet.

When I issued Authorization RA24052, I erred in interpreting the directionality of the site plan, which affected my assessment of the distance to a neighbouring residence. In other words, I thought that the distance met minimum distance separation (MDS) to that residence, when it did not. Therefore, the application did not actually meet the MDS requirements. When I noticed my error, I contacted the permit holder and discussed the option of obtaining a MDS waiver to make the application compliant. I followed up the discussion and options with an email dated April 22, 2025, requesting a MDS waiver by May 16, 2025.

Verhoef Dairy submitted the MDS Waiver on May 16, 2025.

As a result, I am amending Authorization RA24052 to address the MDS to the neighboring residence and the MDS waiver signed by the owner of that residence.

This amendment recognizes that the application meets the required AOPA setbacks from nearby residences, with one exception. The owner of that residence has now signed a written waiver of the MDS requirement to their residence. [Operational Policy 2016-7: Approvals](#), part 7.2.3 presumes that a person who provides a written MDS waiver is automatically considered to be directly affected. However, in the case of an authorization section 21(2) of the Act specifies that the only directly affected parties are the applicant and the municipality.

This amendment is completed under Section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion. Under part 2 of the [NRCB Operational Policy 2016-2: Approval Officer Amendments Under Section 23 of AOPA](#), an approval officer may make an amendment on their own motion if the amendment is minor in nature, does not dilute or reduce requirements under AOPA or under existing permit requirements, and does not increase risk to the environment.

No other changes are being made as part of this amendment.

2. Terms and conditions

Rather than issuing a separate “amendment” to Authorization RA24052, I am issuing a new authorization (RA24052A) with the required amendment. Authorization RA24052A therefore contains all of the terms and conditions in RA24052, but it also includes a MDS waiver.

3. Conclusion

Authorization RA24052A is issued, for the reasons provided above, in Decision Summaries RA24052 and RA24052A, and in Technical Documents RA24052 and RA24052A. In the case of a conflict between these documents, the latest ones will take precedence.

Authorization RA24052 is therefore superseded, unless Authorization RA24052A is held invalid following a review and decision by the NRCB’s board members or by a court, in which case the previous permit will remain in effect.

July 25, 2025

(Original signed)

Francisco Echegaray, P. Ag.
Approval Officer