

Decision Summary LA23047A

This document summarizes my reasons for issuing Authorization LA23047A under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA23047A. 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 June 12, 2025, Hutterian Brethren of Spring Valley (Spring Valley Colony) submitted an application for amendment to the NRCB to change the location and size of the approved chicken layer barn in Authorization LA23047 at an existing multi species CFO.

On June 12, 2025, I deemed the application complete.

The proposed modification involves:

- Changing the dimensions of the layer barn from 68.6 m x 16.8 m to: 91.4 m x 39.6 m with attached solid manure storage: 15.2 m x 13.7 m

The increase of floor space is required to accommodate a different cage system than originally proposed. An increase of layer numbers is not proposed.

a. Location

The existing CFO is located at SE 5 and E ½ 4 - 5 - 23 W4M in Cardston County, roughly 2 km northwest of the Village of Spring Valley. The landscape is relatively flat with a sharp drop towards an old riverbed of the St. Mary River 628 m to the north and to an irrigation canal 260 m to the south.

b. Existing permits

The CFO is currently permitted under Approval LA20031 and Authorization LA20042 and LA23047.

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 1.5 miles (2,414 m) from the CFO

None of the CFO facilities are located within 100 m of a bank of a river, stream or canal, and no other municipality is within the notification distance.

A copy of the application was sent to Cardston 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 the Blood Tribe, Alberta Environment and Protected Areas (EPA), and the Magrath Irrigation District.

I also sent a copy of the application to Alta Link Management, Chief Mountain Gas Coop Ltd., ATCO Gas, and the Oldman River Regional Planning Commission.

I received a response from Mr. Bradley Calder, a water administration technologist with EPA. In his response, Mr. Calder stated that they have no questions or concerns with this amendment application.

No other responses were received from the Blood Tribe or any of the agencies that were notified of this application.

Authorization LA23047A 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. Municipal Development Plan (MDP) consistency

In Decision Summary LA23047, I determined that the proposed construction of the layer barn was consistent with the land use provisions of Cardston County's municipal development plan. No changes have been made to the MDP since Authorization LA23047 was issued. The proposed new location of the layer barn with attached solid manure storage has no effect on this determination. Therefore, the previous assessment of the application's consistency with the MDP is still valid, and an additional analysis is not required.

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

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." Cardston County is an affected party (and directly affected) because the proposed facility is located within its boundaries.

No response was received from Cardston County. The application's consistency with Cardston County's MDP was addressed in Appendix A of Decision Summary LA23047.

7. Environmental risk of facilities

New MSFs/MCAs 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 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 Spring Valley Colony's existing CFO facilities were assessed in 2014 and 2020 (EMS and duck barn) using the ERST. According to that assessment, the facilities posed a low potential risk to surface water and groundwater.

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

8. Terms and conditions

Rather than issuing a separate "amendment" to Authorization LA23047, I am issuing a new authorization (LA23047A) with the required amendment. Authorization LA23047A therefore contains all of the terms and conditions in LA23047, but with modifications in regards to the new dimensions, location and the attached solid manure storage.

9. Conclusion

Authorization LA23047 is therefore cancelled and replaced by LA23047A which is issued for the reasons provided above, in the attached appendices, and in Technical Document LA23047 and LA23047A.

Authorization LA23047A must be read in conjunction with Spring Valley Colony's Approval LA20031 and Authorization LA20042 which remain in effect.

July 25, 2025

(original signed)
Carina Weisbach
Approval Officer