

Decision Summary BA25008

This document summarizes my reasons for issuing Approval BA25008 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document BA25008. 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 February 24, 2025, Amin Valji submitted a Part 1 application to the NRCB to change livestock category (and expand) from beef to poultry and construct facilities at an existing CFO.

The Part 2 application was submitted on February 26, 2025. On March 5, 2025, I deemed the application complete.

The location holds a deemed permit for a 1,000 beef finisher feedlot and was formally grandfathered in accordance with AOPA requirements and NRCB process on July 10, 2024 (file PB24001). The owner of the land has granted permission for Amin Valji (the applicant) to apply to obtain a permit for a chicken layer CFO. This is considered a change of livestock category and therefore triggers an approval that includes public notice. In addition, the conversion to 115,000 chicken layers and 115,000 chicken pullets is also considered an expansion due to an increase in manure production.

The proposed change and construction involves:

- Converting the existing 1,000 beef finisher CFO to 115,000 chicken layers and 115,000 chicken pullets
- Constructing a new layer barn with attached manure storage (shed) – 137 m x 20 m and 36.5 m x 24 m
- Constructing a new pullet barn with attached manure storage (shed) – 137 m x 20 m and 36.5 m x 24 m
- Decommissioning the existing feedlot pens

The application also notified the NRCB of the proposed construction of an egg grading/cooler room on the west end of the two proposed barns. These facilities are “ancillary structures,” under section 1(1)(a.1) of the *Agricultural Operations, Part 2 Matters Regulation*, because they are directly related to the CFO purpose, but will not be used to store or collect manure or to confine livestock. Therefore, under section 4.1 of that regulation, this structure is part of the CFO but does not need to be permitted under the Act.

a. Location

The existing CFO is located at SW 12-55-27 W4M in Sturgeon County, roughly 3 km NE of the hamlet of Calahoo AB. The terrain is rolling hills sloping to the South and East with the nearest common body of water being a seasonal drainage approximately 232 m to the North and the

River Que Barre approximately 950 m to the East.

b. Existing permits

To date, the CFO has been permitted under NRCB Deemed (Grandfathered) PB24001. That grandfathering determination found that the CFO existed on January 1, 2002, with a deemed approval under section 18.1 of AOPA for 1,000 beef finishers and nine pens.

2. Notices to affected parties

On May 21, 2025, the applicant sent an update to the application in which he lowered the proposed livestock (and manure production) from 220,000 chicken layers and 110,000 chicken pullets to 115,000 and 115,000 respectively. The applicant also removed 1 layer barn, re-oriented the site rotating the barns 90 degrees (now positioned east to west), and adjusted minor dimensions of the manure sheds. This change in livestock numbers consequently reduced the notification distance from 1.5 miles to 1 mile. Individuals who submitted a response to the original application were notified of this change under Approvals Policy, 2016-7 at part 7.1, on June 4, 2025.

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 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 and no boundary of another municipality is within the notification distance.

A copy of the application was sent to Sturgeon 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 Morinville Free Press newspaper which is in circulation in the community affected by the application on March 5, 2025, and
- sending 134 notification letters to people identified by Sturgeon County as owning or residing on land within the notification distance (the 1.5 mile radius based on original application).

The full application was made available for viewing 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 Health Services (AHS) (due to receiving responses that raised health concerns), and Alberta Environment and Protected Areas (EPA).

I also sent a copy of the application to Apex Utilities as they are a utility right of way holder.

Approval BA25008 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.

There is no ALSA regional plan for the area where the proposed application is to be located.

5. MDP consistency

I have determined that the proposed change and construction is consistent with the land use provisions of Sturgeon County's municipal development plan. (See Appendix A for a more 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 change and 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'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 D, 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.” Sturgeon County is an affected party (and directly affected) because the proposed change and construction is located within its boundaries.

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

A second response was received from Sturgeon County Council with several concerns. These concerns are discussed in Appendix C.

Prior to the update received on June 4, 2025, the notification distance was 1.5 miles and included 134 notification letters. With the update the notification distance is now 1 mile which would have been 27 notification letters. As a result, many people who owned or resided on land within the larger notification distance are now beyond the (smaller) notification distance.

The following section and Appendices B and C are based on the updated notification distance.

Apart from municipalities, any member of the public may request to be considered “directly affected.” The NRCB received responses from 168 respondents (including individuals and an Indigenous Community). 1 respondent requested confidentiality of identity; per NRCB Operational Policy 2016-7: *Approvals*, part 3.4.1, the NRCB CEO considered and denied the confidentiality request. Therefore, I considered the response withdrawn and was not counted among the responses.

Of the 165 respondents, 24 own or reside on land within the 1 mile notification distance. Because of their location within this distance, and because they submitted a response, they qualify for directly affected party status. (See NRCB Operational Policy 2016-7: *Approvals*, part 7.2.1)

The other 141 respondents do not own or reside on land within the 1 mile notification distance and one of these respondents represents an Indigenous Community. Of these 141 respondents, I do not consider any to be directly affected by the approval application. Appendix B sets out my reasons for determining which respondents are directly affected.

The directly affected parties raised concerns regarding odour and nuisances, traffic and road use, groundwater usage and licensing, groundwater quality, surface water from proposed location, availability of manure spreading lands, cumulative effects, need of environmental impact assessments, property values, change in category and grandfathered permit, animal welfare and history, disposal of livestock mortalities, livestock disease and its risk to public health, and effects on community, economy, and the environment including former Ducks Unlimited wetlands and wildlife. These concerns are addressed in Appendix C.

8. Environmental risk of CFO facilities

As part of my review of this application, I assessed the risk to the environment posed by the CFO’s proposed layer and pullet barns with attached manure storages. I used the NRCB’s environmental risk screening tool (ERST) to assist in my assessment of risk to surface water and groundwater (see NRCB Operational Policy 2016-7: *Approvals*, part 9.17). The tool provides for a numeric scoring of risks, which can fall within 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.)

The assessment found that these facilities pose a low potential risk to groundwater and surface water. I also note that the existing nine feedlot pens are to be decommissioned. From a review of other information gathered in the course of this application, I am satisfied that the screening provided by the ERST is adequate.

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. Williams listed the setbacks required by Sturgeon County's land use bylaw (LUB) and noted that the application meets these setbacks.

I have considered the effects the proposed CFO conversion and expansion may have on natural resources administered by provincial departments. A copy of the application was provided to EPA.

I am not aware of any written decision of the Environmental Appeals Board for this location (<http://www.eab.gov.ab.ca/status.htm>, accessed July 2, 2025).

Finally, I considered the effects of the proposed change and 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 on the environment are acceptable because the application meets all of AOPA's technical requirements. In my view, having considered all the information before me (including in Technical Document BA25008, and from my site visits), this presumption is not rebutted. See discussions in Appendix C on groundwater quality, surface water, manure application, and an environmental impact assessment request.

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9 if the application is consistent with the MDP land use provisions then the proposed development is presumed to have an acceptable effect on the economy and community. See discussions in Appendix C of odour, increased traffic, groundwater usage, property values, disposal of deads, health, avian influenza, and animal welfare. In my view, this presumption is not rebutted based on the information available.

I also presumed that the proposed change and 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). The land the CFO is located on is zoned agriculture. In my view, this presumption is not rebutted because I did not see any information that suggested it was not an appropriate use of land.

10. Terms and conditions

Approval BA25008 specifies the cumulative permitted livestock capacity as 115,000 layers and 115,000 pullets and permits the construction of the layer barn with attached manure storage and pullet barn with attached manure storage.

Approval BA25008 contains terms that the NRCB generally includes in all AOPA approvals, including terms stating that the permit holder must follow AOPA requirements and must adhere to the project descriptions in their application and accompanying materials.

For clarity, and pursuant to NRCB policy, I consolidated the following permit with Approval BA25008: Deemed Approval PB24001 (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

In addition to the terms described above, Approval BA25008 includes conditions that generally address construction deadlines, document submission, survey, and construction inspection and decommissioning. For an explanation of the reasons for these conditions, see Appendix D.

11. Conclusion

Approval BA25008 is issued for the reasons provided above, in the attached appendices, and in Technical Document BA25008.

The deemed permit (NRCB issued PB24001), is therefore superseded, unless Approval BA25008 is held invalid following a review and decision by the NRCB's board members or by a court, in which case the deemed permit will remain in effect.

August 15, 2025

(Original signed)

Nathan Shirley
Approval Officer

Appendices:

- A. Consistency with municipal land use planning
- B. Determining directly affected party status
- C. Concerns raised by directly affected parties
- D. Explanation of conditions in Approval BA25008

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 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.)

In this case, there is no applicable IDP.

Municipal Development Plan (MDP)

Amin Valji’s CFO is located in Sturgeon County and is, therefore, subject to that county’s MDP. Sturgeon County adopted the latest revision to this plan on April 22, 2014, under Bylaw #1313/13.

As relevant here, section 1.4.4 of Sturgeon County’s MDP states that the county “[s]hall support ‘right to farm legislation’ by applying the requirements outlined within ... AOPA.” This is a general policy statement and likely not a “land use provision,” so I do not consider it to be directly relevant to my MDP consistency determination. However, this policy provides general guidance for interpreting the MDP’s more CFO-specific policies.

Section 1.4.4 of the MDP further states that, when “referred to” by the NRCB, the county “will apply the objectives of the Integrated Regional Growth Strategy (IRGS)” in the county’s “referred evaluation” of proposals for new or expanding CFOs. This policy appears to be intended solely at guiding the county’s development of its own response to an AOPA permit application, so the policy likely isn’t relevant to my MDP land use consistency determination.

The CFO is located in an area designated “Neighbourhood B” on Map 3 of the county’s MDP. According to Section B.1(b) of the MDP, the county aims to minimize land-use conflicts in Neighborhood B between “working landscapes and residential communities” by discouraging the “development or expansion” of CFOs within specified distance of several listed towns. Section B.1(b) also refers to Appendix A-2 of the MDP, which lists linear distance for CFOs from town boundaries, and appears to be based on the “affected party notification distance” from AOPA’s Part 2 Matters Regulation.

Under Appendix A-2 the “affected party” distances listed in the table appears to be intended as notification distances for new and expanding CFOs, for communities listed in section B.2. (The distances, based on animal units, are the same as the notification distances in the AOPA, Part 2 Matters Regulation.) Through section B.1(b), these distances also serve as setback distances. The setback distance for the application proposed is 1 mile. Although this is not considered a

land use provision which needs to be considered under AOPA, the proposed construction and change is not within this setback from any of the listed communities and therefore meets this requirement.

For these reasons, I conclude that the application is consistent with the land use provisions of Sturgeon County's MDP that I may consider, and in this case, there is no applicable IDP to consider.

APPENDIX B: Determining directly affected party status

The individuals and corporations in Table B1 below qualify for directly affected party status because they submitted a response to the application by the published response deadline of April 9, 2025 and they own or reside on land within the notification distance, as specified in section 5(c) of the Agricultural Operations, Part 2 Matters Regulation: See NRCB Operational Policy 2016:7 – Approvals, part 7.2.1.

Among the responses to the application, the NRCB received a petition letter from “Concerned Residents of Sturgeon County.” Some of the signatories to the petition are listed in Table B1, and the others are listed in Table B2.

Table B1: Individuals and corporations living on or owning land within the 1.0 mile notification radius, who responded by the deadline

Arnold, Ken & Carol Pt. NE 11-55-27 W4M	Boddez, Eugene and Diana NE 3-55-27 W4M	Bokenfohr, Cliff Rge Rd 262
Brochu, Craig and Amy SE 22-55-27 W4	Brochu, Barb Twp Rd 554	Dostie, Marc and Jana NW 11-55-27 W4M
Dostie, Yvon and Monique Pt. NE 11-55-27 W4M	Dostie, Alynne NE 11-55-27 W4M	Fadden (Paquette), Norine and Ronald NE 1-55-27 W4M
Gamad Holdings Ltd. (Garth and Michelle Muran) Pt. SW 13-55-27 W4M Pt. SE 13-55-27 W4M	Genik, Earle and Kim SE 2-55-27 W4M	Macor, Frank and Maria SE 12-55-27 W4M
Majeau, Angeline N½ 12-55-27 W4M	Majeau, Daniel NW 7-55-26 W4M	Majeau, Derek and Majeau Terrance NW 7-55-26 W4M
Majeau, Victor and Leslie SE 11-55-27 W4M	McMorrow, Ed and Romy SW 6-55-26 W4M	Paquette, Dustin NE 1-55-27 W4M
Paquette, Ryan NE 1-55-27 W4M	Paquette, Evelyn Pt. NE 34-54-27 W4M	Perrott, Dawson and Kaitie SE 14-55-27 W4M
Peters, Brad and Caitlin NE 2-55-27 W4M	Sheehan, Neil and Shelby Rge Rd 271	Starchuk, Wayne and Morin, Jackie Pt. NW 12-55-27 W4M

A person who is not specified in section 5 of the Part 2 Matters Regulation as an affected party can also qualify for directly affected party status. However, they have the burden to demonstrate that they are directly affected by the application. The following people who submitted a response to the application by the published response deadline of April 9, 2025 may fall under this category:

Table B2: Individuals or corporations who do not live on or own land within the notification radius and responded by the deadline

Abbott, Bradley and Vernier Sauve, Michelle N 34-54-27 W4M	Andruchow, Tate and Garth Glory Hills	Anthieren, Kyle and Elise SW 19-55-26 W4M
--	--	--

Allen, James and Renee Rge Rd 273	Ahlskog, Kim and James Rge Rd 10	Babin, Kristen Rge Rd 272
Babin, Marie Rge Rd 272	Badger, John and Liana Shil Shol Estates Rge Rd 273	Bazos, Demetrius and Marina Shil Shol Estates Rge Rd 273
Bedard, Jordan and Aimee Shil Shol Estates Rge Rd 273	Bieber, Alannah and Aaron Rge Rd 273	Billing, Keicia Rge Rd 273
Blake, Donovan and MacLock, Kristen Shil Shol Estates Rge Rd 272	Blake, Steve and Michelle Shil Shol Estates Rge Rd 273	Boddez, Colleen Sturgeon County
Boddez, Dale and Gisele Rge Rd 272	Borle, Alan Twp Rd 552	Borle, Daniel and Annette Twp Rd 552
Borle, Greg and Bonnie NW 19-55-26 W4M	Borle, Jeff and Chantelle Rge Rd 270	Borle, Michael NW 19-55-26 W4M
Borle, Rene and Elaine Rge Rd 270	Botham, Holly Rge Rd 272	Bowman, Adam and Jenna Rge Rd 272
Brochu, Allana and Darrick Rge Rd 273	Brochu, Bryan and Amanda NE 24-55-27 W4M	Brodeur, Jeff and Tami Rge Rd 273
Brown, Wes SE 5-55-27 W4M	Cassivi, Lisa and Dany Rge Rd 273	Caverly, Quinn and Burnett, Tara Rge Rd 273
Chalifoux, Dale Rge Rd 273	Chase, Damon and Murphy, Amanda Rge Rd 265	Christen, Ryan E½ NE 8-55-27 W4M
Christen, Rudolf and Sandy SE 8-55-27 W4M	Crowston, Bryan and Sheri Rge Rd 273	Cust, Roger Rge Rd 263
Cust, Walter and Lynda NE 10-55-27 W4M	Danilowich, Eva and Bill Rge Rd 272	Davidson, John and Judy NE 7-55-26 W4M
DeLeeuw, Lan Rge Rd 273	Deregt, Cory and Andrea Shil Shol Estates Rge Rd 273	DeRudder, Dylan and Michelle NE 7-55-27 W4M
DeVries, Pieter Rge Rd 271	Dewes, Mike and Barbara NW 34-54-27 W4M	Ehrlich, Brandi and Kevin NW 19-55-26 W4M
Elster, Alex Rge Rd 273	Fedorak, Jessica Hwy 37	Fink, Ryan and Ashley Twp 552
Forcade, Katelyn and Elliott, Luke Shil Shol Estates Rge Rd 273	Fraser, Travis and Riehen- Rae Rge Rd 265	Gable, Rob Shil Shol Estates Rge Rd 273
Gibson, Courtney and James SW 15-55-27 W4M	Gillan, Ian Rge Rd 273	Ginther, Cody Rge Rd 273
Goulet, Alice NW 36-54-28 W4M	Goulet, Corey and Adele NW 36-54-28 W4M	Hagen, Mark Shil Shol Estates Rge Rd 273
Hampson, Bryan Rge Rd 272	Harvey-Bourque, J. Laraine and Bourque, J. E. Edmond NW 35-54-27 W4M	Henderson-Araya, Andrea and Malin, Craig Rge Rd 273

Hickie, Lillian Rge Rd 271	Hicks, Dustin Rge Rd 273	Hill, James Shil Shol Estates Rge Rd 272
Hodder, Mechelle Rge Rd 273	Hoekstra, Jason and Lindsay NW 35-54-27 W4M	Hovey, Clay SW 5-55-26 W4M
Hovey, Darren Hwy 37	Jackson, Brent and Wilma SW 3-5-27 W4M	James, Sheena and Philip Rge Rd 10
Johannesen, Desiree NE 7-55-27 W4M	Kennedy, Merica and John Rge Rd 273	Kieftenbeld, Perrin and Kristin SW 17-55-26 W4M
Kieftenbeld, Reese and Jessica Rge Rd 265	Kool, Chelsey and Kelly, Dylan Shil Shol Estates Rge Rd 273	Kulka, Tim and Brenda 10-34-54-27 W4M
Kuriger, Mike and Harding- Kuriger, Jodi N 34-54-27 W4M	Lavallee, Glenn and Goodman, Valerie Rge Rd 271	Lint Carol St. Albert
MacDonald, Brad Rge Rd 273	Majeau, Austin and Harley NE 7-55-26 W4M	Majeau, Jean-Luc Hwy 37
McConaghy, Nora 13-31-54-26 W4M	McKnight, Richard Rge Rd 273	McRae, Don and Teresa NW 16-55-26 W4M
McRae, Jorey and Erin SE 17-55-27 W4M	McRae, Mat and Deanna Rge Rd 273	Mitchell, Brent and Lori Rge Rd 273
Morin, Michelle & Aubin, Larry Rge Rd 273	Morris, Emmitt and Pringle, Jean Shil Shol Estates Rge Rd 273	Munstermann, Marvin Shil Shol Estates Rge Rd 273
Normandeau, Trisha and Everett Pt. SW 10-55-27 W4M	Novlan, Riley Hwy 37	O'Donnell, John Rge Rd 265
Paquette, Shane and Kathy Shil Shol Estates Rge Rd 273	Paquette, Shaun and Amanda NW½ 34-54-27 W4M	Parno, Brent and Nicole Rge Rd 275
Paul, Vaughn and Devvy SE 22-55-27 W4M	Peddle, Maxwell and Sharon Shil Shol Estates Rge Rd 272	Pedersen, Dana and Vida Rge Rd 273
Pierce, Jim and Kandell NW 5-55-26 W4M	Plamondon, Estelle and Shaw, Gerald Rge Rd 273	Power, Anita and Pryor, Bonnie Shil Shol Estates Rge Rd 273
Purse, Vanessa and Hagen, Jeremy (Hagen, Mark and Stacey) Rge Rd 273	Pysyk, Terry SE 17-55-25 W4M Twp Rd 552	Reid, Curtis Rge Rd 272
Ryan, Barbara NE 6-55-26 W4M	Schafers, Dale and Reesa SW 15-55-27 W4M	Schinbein, Reagan SE 36-54-28 W4M
Schnitzler, Don J. SW 19-54-27 W4M	Schnitzler, Nick and Andrea SW 19-54-27 W4M	Schnitzler, Sanda and Donald SW 19-54-27 W4M

Schwab, Esther Pt. SW 19-55-26 W4M	Sheehan, Kyle and Shelby (Reid) Shil Shol Rge Rd 273	Silvester, Chad and Delaney, Tara Rge Rd 271
Smeltzer, Jeff Rge Rd 273	Soloway, Debra and Stan Shil Shol Estates Rge Rd 273	Soroka-Gladue, Charlene and Darryl Rge Rd 273
Soroka-Gladue, Nicholas Rge Rd 273	Stevenson, John and Joann Rge Rd 273	Stewart, Raymond and Cheryl NW 13-55-27 W4M
St. Louis, Steven and Leanne Rge Rd 272	Strobel, David Andrew SW 10-55-27 W4M	Strong, Courtney and Riopel, Doug Rge Rd 265
Swenson, Randy and Vicki Rge Rd 10	Topham, Darcie and Eric SE 9-55-27 W4M Rge Rd 273	Vallee, Maurice and McDonald, Lesley Rge Rd 271
Van Brabant, Herb and Joan Rge Rd 273	Van Brabant, Martin NW¼ 14-55 W4M	Verbeek, Calvin and Kwolick, Maureen 17-54-27 W4M
Verbeek, Joe NW 33-54-27 W4M	Verbeek, Louis J NE 35-54-27 W4M	Vlach, Irena and Josef Shil Shol Estates Rge Rd 273
Vold, Jay and Natasha Pt. SE 6-55-26 W4M	Walker, Sharon SW 5-55-26 W4M	Wenger, Kimberlee and Jackson Rge Rd 272
Wenger, Maureen and Pat Rge Rd 272	Witwer, Dylan Dover Estates RR10	Wolthuis, Matthew and Jena NW 10-55-27 W4M

Under NRCB policy, a person who does not automatically qualify as a directly affected party has the burden of demonstrating that they are directly affected by an application. In order to meet their burden of proof, the person has to demonstrate all the following five elements (see NRCB Operational Policy 2016:7 – Approvals, part 7.2.1):

1. A plausible chain of causality exists between the proposed project and the effect asserted
2. The effect would probably occur
3. The effect could reasonably be expected to impact the party
4. The effect would not be trivial; and
5. The effect falls within the NRCB regulatory mandate under AOPA.

I carefully considered each one of these responses against these factors. I established that none of the parties listed above in Table B2 have demonstrated to my satisfaction that they are directly affected by the proposed application. My reasons for this view are set out below. I note that all the concerns raised by these were largely the same as those raised by the affected parties.

Many of the concerns revolved around odour and how that will affect neighbouring land uses and therefore the greater community and economy. AOPA's minimum distance separation (MDS) requirements are a proxy for minimizing odours, flies, and other nuisance impacts from CFOs. The proposed CFO meets the MDS to all neighbouring residences. Accordingly,

nuisances would not reasonably be expected to impact the parties who own or reside on land outside the MDS, and outside the notification distance.

There were also many concerns involved impacts from manure spreading lands including impacts to surface water and groundwater. AOPA land application requirements do provide a level of protection for surface water and groundwater when adhered to. AOPA includes several provisions for manure spreading to protect surface water and to minimize potential runoff of manure into surface water bodies. AOPA has requirements to protect the soil, groundwater, and surface water from excessive application of manure nutrients (Section 25 Standards and Administration Regulation). These include soil testing requirements, soil salinity limits, and nitrate-nitrogen limits. Operators are required to keep manure spreading and soil sampling records and must provide them to the NRCB upon request.

Several concerns were raised regarding road use including highway 37. As discussed, Appendix C below, the location is outside highway setbacks and the applicant has clarified the approximate number of vehicles associated with the operation. Road use falls under county jurisdiction and although the NRCB does not require applicants to enter into road use agreements with counties or municipalities the County may require that agreement, on its own.

For the reasons above, I conclude that the people listed in Table B2 are not considered directly affected by the application. However, I acknowledge that these individuals' perception of effects are not trivial to them. It's also noted that most of the concerns raised by these individuals are the same as, or very similar to, those raised by the directly affected parties, and discussed below in Appendix C, below.

Two statements of support were received from outside the notification radius.

Table B3: Responses of support, not within radius, received by deadline

Strobl, Richard and Sandra Sturgeon County	Verbeek, Peter and Meghan SW 2-55-27 W4M
---	---

As these parties reside outside the notification radius and did not provide information to show why they should be considered directly affected, I find them to be not directly affected by the application.

Table B4: Response from Indigenous community

Alexander First Nation (Ken Brink & Ken Arcand)
--

Below is the statement provided by the Indigenous community in relation to why they may be directly affected:

Alexander First Nation (lands starting 4 kms directly north of subject application site), has the following concerns with the approval of the above noted Application:

- Impacts manure storage will have to surface water and subsequent migration of nitrates and chloride from the ammonia into Riviere Qui Barre
- Impacts manure storage will have to ground water in the area
- Impacts to air quality in the area due to odor from poultry manure and dead poultry on

site

Impacts to air quality from fine particle release into the air from dried bedding used for poultry

The concerns raised by Alexander First Nation are similar in nature to those brought forward by other respondents. As the concerns are similar in nature to those parties considered not directly affected and are also outside the notification radius, the same reasoning applies to the Alexander First Nation. However, I note their concerns are discussed in Appendix C, below.

APPENDIX C: Concerns raised by directly affected parties

The directly affected parties (see Appendix B for a list) raised the following concerns: odour and nuisances, traffic and road use, groundwater usage and licensing, groundwater quality, surface water from proposed location, availability of manure spreading lands, cumulative effects, need of environmental impact assessments, property values, change in category and grandfathered permit, animal welfare and history, disposal of livestock mortalities, livestock disease and its risk to public health, and effects on community, economy, and the environment including former Ducks Unlimited wetlands and wildlife.

On May 9, 2025, Sturgeon County Council (a directly affected party) provided a statement of concern in response to the application. In this letter the County raised concern regarding infrastructure use, environmental impacts, odour impacts, manure management, and notification and stakeholder distribution.

As per NRCB practice, copies of the directly affected parties' responses were provided to the applicant for their information and consideration should they wish to respond to any or all of the concerns. The applicant submitted responses to several of the concerns which are included below.

The directly affected party concerns are identified below, together with my analysis.

1. **Odours and nuisances** – concern was raised over the negative effects of odours, noise, and the negative impacts on air quality and quality of life.

Approval officer's conclusion:

AOPA's minimum distance separation (MDS) requirements are a proxy for minimizing odours, flies, and other nuisance effects from CFOs. The proposed CFO conversion and expansion meets the MDS to all neighbouring residences. It is presumed that nuisance effects from a proposed CFO expansion will be acceptable if the MDS has been met.

Response from applicant:

In a response from the applicant, they responded that the new barn ventilation technology to be used has significantly decreased noise and that there will be no standard farm activity after 4 pm. The applicant also detailed that the ventilation of the barn maintains a dry manure which minimizes fly populations and when required natural controls are introduced to minimize fly larvae. It was also explained that the ventilation of the barn moves through the manure storage facility which helps contain dust.

2. **Increased traffic including traffic noise, dust, road wear and tear, and safety and volume on highway 37** – concern was raised about increased traffic in the area and the associated effects.

Approval officer's conclusion:

The County has jurisdiction of local roads, including maintenance. The NRCB does not require applicants to enter into road use agreements with counties or municipalities. However, the County may require that agreement, on its own. The site is located approximately 1,500 m from the nearest highway 37 intersection.

Response from applicant:

In a response from the applicant, they indicated the approximate number of trucks and general times of site traffic. The applicant expects roughly 7 feed trucks and 5 egg trucks a month with the average times being between 10 am and 2 pm. During manure spreading events in the spring and fall it is expected that hauling is completed within 1 day.

3. **Groundwater usage and licensing** – Concern was raised over the depletion of groundwater used by surrounding area residences.

Approval officer's conclusion:

Alberta Environment and Protected Areas (EPA) is responsible for licensing the use of groundwater and surface water in the province. The water licensing process includes an opportunity for neighbours to provide input. Therefore, for efficiency and to avoid inconsistent regulation, NRCB approval officers generally do not consider water supply concerns when reviewing AOPA permit application, other than ensuring that applicants sign one of the water licensing declarations listed in the Part 2 application form.

Amin Valji chose the declaration indicating that they do not require additional water licensing as the location already has a license in place. EPA has been notified of this application and it's the responsibility of the applicant to ensure that water licensing requirements are met.

4. **Groundwater quality** – concern was raised regarding groundwater contamination from manure storage facilities at the proposed CFO conversion and expansion.

Approval officer's conclusion:

As noted in the decision summary above, and documented in Technical Document BA25008, the proposed CFO facilities meet all AOPA technical requirements. Several of these requirements are designed to prevent or minimize manure leakage from CFO facilities and thus to prevent manure from reaching and contaminating groundwater.

Regulations under AOPA set nutrient application limits to prevent the soils from being overloaded with nitrogen and minimize the potential for groundwater to be impacted by manure. The Standards and Administration Regulation under AOPA also requires operators to test soils on farmland to which manure is applied for salts and nitrogen at least every three years, and to make these records available for inspection by the NRCB.

As noted in section 6 of this decision summary, and further documented in Technical Document BA25008, the CFO meets all AOPA technical requirements, including: setbacks from springs, and water wells; having sufficient means to control surface runoff of manure; nutrient management requirements regarding the land application of manure; and groundwater protection requirements for the floors and liners of manure storage facilities.

5. **Surface water** – concern was raised regarding the potential for contamination of surface water from manure runoff from the CFO facilities including the proximity to the Riviere Qui Barre, a tributary to the Sturgeon River.

Approval officer's conclusion:

As noted in this decision summary above, and further documented in Technical Document BA25008, the CFO meets AOPA technical requirements designed to protect surface water (e.g. sections 5, 6, 7, 8, 12, 13, 15, 24 of the Standards and Administration Regulation), and thus to prevent CFO manure from reaching and contaminating surface water. The proposed CFO conversion and expansion meets these requirements, and all facilities are under roof. The River Que Barre is located downslope from the site and is approximately 20 m lower elevation compared to the nearest proposed manure storage, however the river is located approximately 975 m from the nearest facility and therefore, meets the setback to surface water requirements.

- 6. Manure application** – concern was raised regarding manure spreading, including runoff concerns, nutrient loading, and the amount and distance to these manure spreading lands.

Approval officer's conclusion:

AOPA includes several provisions for manure spreading to protect surface water and to minimize potential runoff of manure into surface water bodies.

Manure application is addressed in sections 24, and 25 of the Standards and Administration Regulation. Manure application on land is not a permitting consideration, except that applicants are required to demonstrate that they have enough arable land available to apply manure for the first year of operation so that the nitrate-nitrogen limits are not exceeded. The regulations provide rules for manure application as an ongoing operating matter, rather than a permitting matter. Section 24(1) requires manure to be incorporated within 48 hours of application when it is applied to cultivated land. Incorporation reduces odours by working the manure into the soil.

Alternatively, Section 24(5)(a) allows manure to be applied (without incorporation) on forage or directly seeded crops, which is often done in order to conserve the soil. The manure must be applied at least 150 m away from any residence and must meet the setback requirements to common bodies of water.

Complaints about CFO-related issues can be reported to the NRCB's 24-hour reporting line (1-866-383-6722). Neighbours can also call any NRCB office during regular business hours if they have questions about permit conditions or ongoing AOPA operational requirements.

AOPA has requirements to protect the soil, groundwater, and surface water from excessive application of manure nutrients (Section 25 Standards and Administration Regulation). These include soil testing requirements, soil salinity limits, and nitrate-nitrogen limits. Operators are required to keep manure spreading and soil sampling records and must provide them to the NRCB upon request.

As a part of this application the applicant has provided enough land base for the operation including the land base required for another CFO the applicant operates. The applicant has provided manure transfer agreements in which a third party has agreed to remove manure and use at their locations. This is an acceptable practice, and it is presumed that the third party understands the distance to their land for application. AOPA does not consider the location and distance to the lands where the manure will be applied.

7. **Existing grandfathered feedlot and change of category** – concern was raised regarding permitted status of the existing feedlot, that it does not operate as a feedlot, and the change of category being significantly different than its current permit.

Approval officer's conclusion:

A deemed permit (PB24001) was recognized in 2024 and therefore the site has a valid CFO permit for 1,000 beef finishers. AOPA and its regulations allow for a conversion of animals at an existing CFO and prescribes the procedures associated for this change. The application for 115,000 layers and 115,000 pullets meets the requirements for a CFO. Additionally, a condition requiring the applicant to decommission the feedlot pens and no longer be used as CFO facilities is included in Approval BA25008.

8. **Environmental Impact Assessment** – concern was raised about the lack of an environmental impact assessment (EIA).

Approval officer's conclusion:

EIAs are not required under AOPA (unlike the NRCB Act, where an EIA may be the trigger for a statutory review for non-energy natural resources projects). Instead, applications under AOPA are assessed based on the requirements set out in AOPA and its regulations.

9. **Property Values** – concern was raised that the proposed CFO would reduce property values.

Approval officer's conclusion:

In several review decisions, the NRCB's Board members have consistently stated that concerns regarding effects on land or property values are "not a subject for [the Board's] review under AOPA" or for approval officers' consideration of permit applications. According to the Board, impacts on property values are a land use issue which is a "planning matter dealt with by municipalities in municipal development plans and land use bylaws." (see, e.g. the Board decision in *Brad Towle*, RFR 2017-09 at pg. 3.)

10. **Disposal of dead birds** – concern was raised about the disposal of dead poultry.

Approval officer's conclusion:

The disposal of deceased livestock in Alberta is not within the regulatory mandate of the NRCB under AOPA but is regulated by Alberta Agriculture and Irrigation (AGI) under the *Animal Health Act*. Given AGI's regulatory role, concurrent oversight of dead animal disposal and associated concerns by the NRCB would be inefficient and might lead to inconsistency with AGI requirements.

Response from applicant:

In the response from the applicant, they indicated that dead birds will be secured in a biosafe container which will be taken away for rendering and they will not be disposed in fields or composted in manure.

11. **Health** – concern was raised over the negative effects on people's health from the CFO both due to gases (such as ammonia) and groundwater and surface water contamination.

Approval officer's conclusion:

The application meets the AOPA requirements. Additionally I sent a copy of the application, as well as the responses that raised health concerns, to AHS. AHS advised it could not comment on potential or hypothetical concerns. AHS noted that, for this application, there was no current public health concern and no water wells within the 100m setback for manure storage. It was added that specific ongoing health concerns should contact AHS directly to discuss. If a member of the public has concerns or questions, they may contact AHS online (<http://ephisahs.albertahealthservices.ca/create-case>) or by phone (1-833-476-4743).

- 12. Effects on the community, economy, and environment** – concern was raised about the negative effects of the proposed CFO conversion and expansion on the overall community including the distance to the school in Riviere Qui Barre School, economy, and environment including a former Ducks Unlimited wetlands and the wildlife that use it.

Approval officer's conclusion:

As discussed above in Section 9 as the application is consistent with the County's MDP and based on the evidence presented it is presumed that the application is an acceptable use of land. The land is zoned agriculture.

The school in Riviere Qui Barre is located approximately 5.5 km from the proposed CFO conversion and expansion. This exceeds the largest MDS setback requirement of Category 4 of 1,559 m.

In addition to technical requirements in AOPA's regulations, effects of an application on the environment in general is considered under Section 20(1)(b)(ix) of AOPA. However, wildlife matters, including migratory birds, are not regulated under AOPA. The former Ducks Unlimited wetland is located approximately 2 km to the SE and the applicant is required to comply with other relevant requirements such as the Migratory Birds Convention Act. AOPA addresses surface water, groundwater, and soil nutrient levels, as discussed above.

- 13. Risk of Avian influenza** – Concern was raised regarding the risk of a poultry farm in the proximity to surrounding wetlands and migratory waterfowl populations.

Approval officer's conclusion:

AOPA does not specifically address disease concerns as this is managed through various producer board requirements and Alberta Agriculture and Irrigation. As a part of this application, I did have a conversation with the Chief Provincial Veterinarian regarding the concern and it was indicated that this risk is relatively low as it can often be managed through good biosecurity protocols. It is the CFO operator's responsibility to effectively manage their biosecurity risk.

Response from applicant:

In a response from the applicant, they indicated that the virus exists in the environment and is transmittable primarily from migratory waterfowl. As such they will adopt strict biosecurity protocols, including restricted site access, log books, sanitation, equipment and vehicle management, waste management, and personal protective equipment.

- 14. Animal welfare** – Concern was raised regarding animal welfare, historical animal welfare issues with the applicant, and ongoing animal health.

Approval officer's conclusion:

Animal welfare and past compliance issues of the applicant's other CFO are outside the scope of AOPA as AOPA does not regulate animal welfare standards. Requirements for animal welfare are set by various livestock boards and they can be contacted for any further information regarding these requirements.

Response from applicant:

In a response from the applicant, they indicated that they have adopted several on farm policies, procedures, audits, and training programs to ensure that all animal welfare requirements are met.

It is expected that, through a good neighbour relationship, a respectful relationship can be established between the parties. The NRCB encourages neighbours to communicate with each other to address questions or concerns they may have.

15. Notification and stakeholder distribution

As noted throughout, the previous notification distance was 1.5 miles, which has been reduced due to the change livestock numbers in the application to 1 mile. This distance is prescribed by the Part 2 Matters Regulation based on the size of the CFO (type and number of livestock). Courtesy letters were mailed to people who live or own land within the notification distance of the operation, based on the names and addresses provided by Sturgeon County. The courtesy letters identified what was being proposed and when and where the official notice would be published. The official public notice was posted in the Morinville Free Press newspaper on March 5, 2025. Notice was also posted on the NRCB's website. This notice was completed in accordance with AOPA requirements, and approval officers do not have discretion to alter the prescribed notification distance.

APPENDIX D: Explanation of conditions in Approval BA25008

Approval BA25008 includes several conditions, discussed below:

a. Construction Deadline

Amin Valji proposes to complete construction of the proposed layer barn with attached manure storage and pullet barn with attached manure storage by the end of 2027. This time-frame is considered to be reasonable, however, due to time to complete the NRCB process and to account for any unforeseen construction delays an additional construction season will be given. Therefore the deadline of December 31, 2028 is included as a condition in Approval BA25008.

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 BA25008 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the layer barn with attached manure storage and pullet barn with attached manure storage 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. Co-permit holders to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the layer barn with attached manure storage and pullet barn with attached manure storage.
- c. Co-permit holders to provide written confirmation, signed by a professional surveyor that the MDS to neighbouring residences is met.

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 BA25008 includes conditions stating that the co-permit holders shall not place livestock or manure in the manure storage or collection portions of the layer barn with attached manure storage and pullet barn with attached manure storage until NRCB personnel have inspected each facility and confirmed in writing that they meet the approval requirements.

c. Decommissioning

Amin Valji has proposed to decommission the existing feedlot pens. Therefore, a condition will be included requiring this be completed. This decommissioning must be completed in accordance with Technical Guideline Agdex 096-90, “Closure of Manure Storage Facilities and Manure Collection Areas.”