

## Decision Summary RA24051

This document summarizes my reasons for issuing Approval RA24051 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA24051. 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 December 3, 2024, Kendra Donnelly, agent for Rimrock Cattle Company Ltd. (Rimrock), formerly Korova Feeders Ltd., submitted a Part 1 application to the NRCB to expand an existing beef CFO.

The Part 2 application was submitted on April 9, 2025. On May 7, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing the permitted number of beef finishers from 7,000 to 28,000
- Decreasing the permitted number of beef feeders from 7,000 to zero

No construction is proposed in this application.

The applicant has also requested to remove pen rows 5 and 6 that were previously permitted under RA17076, but were not constructed. This has been updated in the list of permitted facilities in the appendix to Approval RA24051.

#### a. Location

The existing CFO is located at section 28-29-25 W4M in Kneehill County, roughly 2 km east of the village of Acme, AB.

#### b. Existing permits

To date, the CFO has been permitted under NRCB Approval RA17076. That permit allowed the construction and operation of a beef feedlot CFO with a permitted livestock capacity of 7,000 beef feeders and 7,000 beef finishers. The CFO's existing permitted facilities are listed in the appendix to the Approval RA24051.

### 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 4 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 Kneehill County, which is the municipality where the CFO is located, and to the Village of Acme which has a boundary within the notification distance.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in the Three Hills Capital newspaper in circulation in the community affected by the application on May 7, 2025, and
- sending 527 notification letters to people identified by Kneehill County and the Village of Acme as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours at the Red Deer NRCB 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 Alberta Transportation & Economic Corridors (TEC).

I also sent a copy of the application to ATCO Gas and Pipelines Ltd., TAQA North Ltd., and HWN Energy Ltd. as they are right of way holders.

Ms. Cindy Skjaveland, a property technologist, responded on behalf of TEC. Ms. Skjaveland stated that since the intensification of the site will generate more traffic, a Traffic Impact Assessment (TIA) is required. Her response outlined the requirements of the assessment and provided contact information for an Infrastructure Technologist. A copy of this response was sent to the applicant for their information and action.

Ms. Julie Gregson, a surface land administrator with HWN, responded on their behalf and stated that they had no concerns with the application.

No other responses were received.

Approval RA24051 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 existing CFO is located.

#### **5. MDP, IDP consistency**

I have determined that the proposed expansion is consistent with the land use provisions of Kneehill County's municipal development plan. (See Appendix A for a more detailed discussion of the County's planning requirements.)

The site is not subject to an IDP.

#### **6. AOPA requirements**

With respect to the technical requirements set out in the regulations, the proposed expansion:

- Meets the required AOPA setbacks from all nearby residences, with the use of expansion factor (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

With the terms and conditions summarized in part 10 and Appendix E, the application meets all relevant AOPA requirements.

#### **7. Responses from municipalities 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". Kneehill County is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

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

Ms. Hazelton also stated that the subject land does not fall within an area subject to an IDP or Area Structure Plan.

The Village of Acme is a neighbouring municipality. Since the Village's border is within the notification distance of this application, the Village of Acme is an affected party (and directly affected).

The Village of Acme Council provided a written response on behalf of the Village. The response outlined a number of concerns, including the proximity of the site to the Village, traffic, odour and air quality, and future developments. These concerns are addressed in Appendix D, attached.

Apart from municipalities, any member of the public may request to be considered "directly affected." The NRCB received 32 responses.

The NRCB received 2 of these submissions after the submission deadline in the notice (from Sue Welke for the Alberta TrailNet Society, and from Mimi Busk-Downey and Kenneth Downey). I considered whether there were exceptional circumstances that warranted considering the submissions nonetheless.

I could not identify exceptional circumstances for the lateness of these submissions, so I did not consider and address their submissions in the approval decision.

Of the 30 remaining responses, 25 are from respondents who own or reside on land within the 4 mile notification distance for affected persons. Because of their location within this distance, and because they submitted a response before the deadline, they qualify for directly affected party status. (See NRCB Operational Policy 2016-7: Approvals, part 7.2.1)

Respondents for 2 of the responses do not own or reside on land within the 4 mile notification distance. I do not consider either of these respondents to be directly affected by the approval application. Appendix B sets out my reasons for determining which respondents are directly affected.

Three additional responses were received where the respondents did not provide their physical residential address. Their names also did not appear on the adjacent landowner lists from the Village of Acme or Kneehill County (indicating land ownership within 4 miles). Because I could not accurately determine where they own land or reside, I did not consider their responses in this decision.

The 25 directly affected individuals and corporations raised concerns regarding water use, property values, traffic safety, road use/damage, cattle diseases, odour/flies/dust and other nuisances, groundwater and surface water contamination, air quality, weeds, soil erosion, predators, and community impacts. Some parties also questioned how the permitted livestock numbers can increase without construction, if there is adequate spreading land for the increase in manure, and if the applicants are testing their soil. These concerns are addressed in Appendix C.

## **8. Environmental risk of CFO facilities**

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 Rimrock's existing CFO facilities were assessed in 2018 and 2023 using the ERST. According to those assessments, the facilities posed a low potential risk to surface water and groundwater.

There have been no changes related to groundwater or surface water protection or CFO facilities since that assessment was done. However, due to the increase in annual manure production, I completed a new ERST. The re-assessment found that the existing facilities remain a low potential risk to surface water and groundwater.

## 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. Hazelton listed the setbacks required by Kneehill County's land use bylaw (LUB). I note that the existing site is built in the centre of a section, and spans across two quarter section boundaries. In the original permit for the site (RA17076), Kneehill County acknowledged that the proposed facilities would be built across property lines; however, the County had no concerns with this. No construction is proposed in this application; therefore, no additional assessment of the setbacks is required.

I have considered the effects the proposed expansion may have on natural resources administered by provincial departments. EPA has not made me aware of statements of concern submitted under section 73 of the *Environmental Protection and Enhancement Act* or section 109 of the *Water Act* in respect of the subject of this application. Furthermore, the application meets AOPA's technical requirements.

I am not aware of any written decision of the Environmental Appeal Board for this location (<http://eab.gov.ab.ca/status.htm>, accessed August 15, 2025).

Finally, I considered the effects of the proposed expansion 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, views from Kneehill County, and my own observations from a site visit.

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 and the directly affected parties' concerns have been addressed. See the discussion in Appendix C of groundwater and surface water quality, air quality, weeds and soil erosion, and manure management.

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, if the application is consistent with the MDP then the proposed development is presumed to have an acceptable effect on the economy and community. In my view, this presumption is not rebutted and the directly affected parties' concerns have been addressed. See the discussion in Appendix C of water use, property values, traffic safety, road use/damage, cattle disease, nuisances, predators, and community impacts.

I also presumed that the proposed 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 subject land is zoned Agricultural. In my view, this presumption is not rebutted.

## **10. Terms and conditions**

Approval RA24051 specifies the cumulative permitted livestock capacity as 28,000 beef finishers.

Approval RA24051 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 RA24051 includes terms that generally address AOPA's requirements. A condition is included in Approval RA24051 requiring a survey certifying that the CFO meets the minimum distance separation.

For clarity, and pursuant to NRCB policy, I consolidated the following permit with Approval RA24051: Approval RA17076 (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. All of the conditions from RA17076 were met; completed construction conditions are included in the Appendix to Approval RA24051, with the exception of removing the conditions relating to pen rows 5 and 6 that were not constructed. No other conditions are outstanding.

## **11. Conclusion**

Approval RA24051 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA24051.

Rimrock 's previously issued Approval RA17076 is therefore superseded, and its content consolidated into this Approval RA24051, unless Approval RA24051 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval RA17076 will remain in effect.

August 20, 2025

(Original signed)

Lynn Stone  
Approval Officer

### **Appendices:**

- A. Consistency with municipal land use planning
- B. Determining directly affected party status
- C. Concerns raised by directly affected parties
- D. Responses from the Village of Acme
- E. Explanation of conditions in Approval RA24051

## **APPENDIX A: Consistency with the 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). In this case there is no applicable IDP.

This does not mean consistency with the entire MDP. 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)

Rimrock’s CFO is located in Kneehill County and is therefore subject to that county’s MDP. Kneehill County adopted the latest revision to this plan on March 11, 2025, under Bylaw 1905.

Policy 12 of the MDP (Agriculture section) states that “no new or expansion of existing confined feeding operations (CFOs) will be allowed in the following:

- a.
  - (i) In Hazard Lands or Environmentally Sensitive Lands as defined by the province and the 2010 Summit Report.
  - (ii) Within 1.6 kilometres (1 mile) of any hamlet.
  - (iii) Within 1.6 kilometres (1 mile) of any urban boundary...”. This provision references the attached maps.

With respect to provision iii, I reviewed the applicable maps. Map 3 shows “CFO Exclusion Zone”, and Map 4 “Acme CFO Exclusion Zone”. Rimrock’s site is outside of these exclusion zones.

Rimrock’s existing CFO is not located within any of these setbacks or exclusion zones.

- b. Applications received that fall outside the exclusion zone will be subject to the Agricultural Operations Practices Act.

Provision b is general in nature, as it speaks to the NRCB’s role as the regulator of CFOs in Alberta.

Policy 18 states that the County is generally supportive of agriculture, and that generally accepted agricultural practices will not be prevented due to nuisances.



I consider this policy to provide a general overview of the County's perspective that recognizes that some nuisances are anticipated with agricultural operations.

For these reasons, I conclude that the application is consistent with the land use provisions of Kneehill County's MDP. The County's response supports my conclusion.

## APPENDIX B: Determining directly affected party status

The following individuals qualify for directly affected party status because they submitted a response to the application and they own or reside on land within the notification distance, as specified in section 5(c) of the Agricultural Operation, Part 2 Matters Regulation (See NRCB Operational Policy 2016-7: Approvals, part 7.2.1.)

Table 1: Respondents who own or reside on land within the notification distance

- Michelle Boake, NE 15-29-25 W4M
- Lynn & Steve Boake, SE 22-29-25 W4M
- Denver & Myrna Eitzen, NW 4-30-25-W4M
- Donna Baxter, No address provided, however her name appears on landowner list from the Village of Acme as a landowner within 4 miles of the CFO
- Marshall Lavoie, Village of Acme
- MDCJ Holdings Ltd. (Ethel Kostrosky), NE 16-29-25 W4M
- Nancy & Edward Thomas, NE 3-29-25 W4M
- Perry Eitzen, NE 24-29-25 W4M
- Allen & Diana Sorensen, N ½ 29-29-25 and W ½ 32-29-25 W4M
- Thomas Choquette, Village of Acme
- Laurel Pierce, Village of Acme
- Leigh Boles, NE 33-29-25 W4M
- Virgil & Nancy Unruh, SW 22-29-25 W4M
- Viv & Miles Hannah and Redline Truck and Trailer Services and CBL Ventures (6 letters received), SE 30-29-25 W4M and business located in Village of Acme
- Don Klassen, SW 3-30-25 W4M
- Mary Lynn Patterson, NW 27-29-25 W4M, SW 34-29-25 W4M, and NW 34-29-25 W4M
- Patrick Unruh, NW 15-29-25 W4M
- Richard Toews, NE 26-29-25 W4M
- Tim Toews and Bar T Farms Ltd., NW 23-29-25 W4M
- Marco Toews, NW 25-29-25 W4
- Erin & Garrett Davis and Downsview Farm Ltd., SE 34-29-25 W4 and SW 35-29-25 W4
- Murray and Ingrid Sorensen, SW 29-29-25 W4
- Benjamin Campbell (Onsite Diesel Repair), NE 22-29-25 W4
- Jennifer Anderson-LeBeau, Village of Acme
- Kimberly & Jason St. Louis, Village of Acme

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 they are directly affected by the application. The following individuals that submitted separate responses to the application may fall under this category: Kelli Becker (NE 16-29-24 W4M), and Joey Becker (NW-16-29-24 W4M).

Under NRCB policy, a person 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.

Using these factors, I conclude that neither of the two individuals meet the burden of proof to qualify as directly affected parties. Both responses outlined concerns about water usage. Alberta Environment and Protected Areas has jurisdiction over water usage and licensing. Since this is not under the NRCB's regulatory mandate, they do not meet the elements listed above.

Three additional responses were received where the respondents did not provide their physical address: Jessica Nelson, Lisa MacMillan, and an unattributed response (the response only had the email account owner's name). Their names (including the unattributed email account owner's name) also did not appear on the adjacent landowner lists from either the Village of Acme or Kneehill County. Because I could not accurately determine where they own land or reside, I did not consider them to be directly affected parties.

In summary, the respondents to the 25 letters received (as listed in Table 1) are all directly affected parties.

Kelli Becker, Joey Becker, Jessica Nelson, Lisa MacMillan, and the unsigned respondent are not directly affected parties. However, I note that the concerns raised by these individuals align with the concerns raised by the directly affected parties, discussed in Appendix C.

## APPENDIX C: Concerns raised by directly affected parties

### Concerns from directly affected parties

The directly affected parties raised the following concerns: water use, property values, traffic safety, road use/damage, cattle diseases, odour/fly/dust and other nuisances, groundwater and surface water contamination, air quality, weeds, soil erosion, predators, and community impacts. Some parties also questioned how the permitted livestock numbers can increase without construction, if there is adequate spreading land for the increase in manure, and if the applicants are testing their soil.

Water use: all parties raised concern about the amount and source of surface and groundwater needed to support the proposed increase in livestock numbers.

Approval officer's comments:

Alberta Environment and Protected Areas (EPA) is responsible for licensing the use of groundwater and surface water in Alberta. The water licensing process includes an opportunity for members of the public 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 applications, other than ensuring that applicants sign one of the water licensing declarations listed in the Part 2 application form. (See NRCB RFR 2024-04 *Ridder Farms* at p 6.) Individuals who have concerns about water licensing and use can contact EPA's Regulatory Assurance Division (Calgary) at 403-297-5891.

Rimrock chose the declaration indicating that they will be applying for water licensing separately from the AOPA process. (See page 4 in Technical Document RA24051.) A copy of this application was also sent to EPA for their information and action. The applicant is reminded that they are responsible for ensuring that they have sufficient water licensed to support the expansion.

Property values: several respondents raised concern that the proposed expansion would have a negative impact on their property values.

Approval officer's comments: 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..." *Zealand Farms, RFR 2011-02* at 4, and *Pigs R Us Inc. RFR 2017-11/BA17002* at 6.

Property values may be related to whether use of a particular land is appropriate. As explained in Appendix A and parts 5 and 9 of this decision summary, Rimrock's application is consistent with the land use provisions of the County's MDP and the zoning for the area, which suggest that the proposed CFO expansion is an appropriate use of land in the area.

Traffic safety: several respondents expressed concern about how the increase in proposed livestock numbers would result in increased traffic volumes, and would in turn have a negative impact on safety.

Approval officer's comments: AOPA does not require me to consider traffic safety specifically. However, AOPA does speak to the effects on community. Approval officers do not have the necessary knowledge or expertise to assess traffic safety. A copy of this application was forwarded to Alberta Transportation and Economic Corridors (TEC), based on the site's proximity to Secondary Highway 575. In their response, a representative from TEC stated that the applicant is required to provide TEC with a Traffic Impact Assessment (TIA). The response outlined the requirements of the assessment and provided contact information for an Infrastructure Technologist. One possible outcome of the TIA is that upgrades to the road and intersection may be required to be completed to the standards of, and at no cost to, TEC. The applicant is reminded of this requirement.

Road use/damage: Several respondents expressed concern about how the increase in traffic would impact local roads, including damage and dust control.

Approval officer's comments: The NRCB does not have direct responsibility for regulating road use or maintenance. Section 18 of the *Municipal Government Act* gives counties "direction, control and management" of all roads within their borders. Because of this it would be impractical and inefficient for the NRCB to attempt to manage road use through AOPA permits (see Operational Policy 2016-7 Approvals, part 9.13).

In addition, municipalities own the roads within their jurisdiction and have the knowledge and expertise to determine if road use agreements are required, and have the jurisdiction to implement and enforce road use restrictions and road use agreements. It is possible that road upgrades will be required, thought that will be determined by TEC.

Cattle diseases: A few respondents expressed concern about the proposed increase in cattle numbers, and potential diseases that may impact existing cattle in the area.

Approval officer's comments: These concerns are not under the jurisdiction of the NRCB, but rather under the Canadian Food Inspection Agency's (CFIA), and under Alberta Agriculture and Irrigation under the *Animal Health Act*. Anyone who has concerns about the health of livestock, including cattle diseases, should reach out to the appropriate agency.

Odours, flies, dust, noise and other nuisances: Many respondents expressed concern about an increase in nuisances, including odour, flies, dust and noise.

Approval officer's comments: AOPA's minimum distance separation (MDS) requirements are a proxy for keeping odours, flies, noises, dust and other nuisance impacts at acceptable levels from CFOs, based on land zoning. The proposed CFO expansion meets the MDS to all neighbouring residences with expansion factor. It is presumed that nuisance effects from a proposed CFO expansion will be acceptable if the MDS has been met.

Rimrock's nearest neighbouring residence is approximately 1011 m from the existing manure storage facilities/manure collection areas (MSF/MCAs). This is more than the required minimum distance of 988 m, for residences on land zoned as agricultural (i.e. category 1). The nearest residence zoned as category 4 for villages, towns, or cities is 2660 m, which also exceeds the minimum distance of 2635 m.

Nuisance and other impacts outside of the MDS for a CFO are typically not considered when making a decision, unless there is a direct and adverse impact greater than what would normally be expected, which can be directly linked to the CFO. I have not received any evidence to support this consideration.

It is reasonable to expect that there will be some nuisances related to flies and other insects and dust as a result of the CFO expansion. In my experience, these nuisances can be mitigated by practicing best management practices on farm. If needed, the NRCB can request that an operation enter into a fly and/or dust control program. I do not see a reason to implement such a program as part of this approval.

Often, any issues that arise relating to the operation of a CFO can be resolved through good communication between neighbours and the CFO operator. However, if a member of the public has concerns regarding a CFO, including whether the operation is complying with AOPA, they may contact the NRCB through its toll-free reporting line (1-866-383-6722). An NRCB inspector will follow up on the concern.

Groundwater and surface water contamination: Several responses expressed general concerns about impacts to ground and surface water.

Approval officer's comments: Rimrock is not proposing to construct additional facilities in this application. The existing facilities are already permitted and have demonstrated that they meet AOPA's requirements for groundwater and surface water protection. An environmental risk assessment (ERST) was completed on the site in 2018 and 2023, and found that the facilities posed a low potential risk to surface water and groundwater. Since then, there have been no changes related to surface or groundwater protection, or to the CFO facilities; however, I reassessed the risk screening in this application due to the increase in manure production. The new assessment found that the existing CFO facilities remain a low potential risk to groundwater and surface water.

Air Quality: Several responses expressed general concerns about air quality impacts to surrounding residents.

Approval officer's comments: Based on my experience, AOPA's regulations are likely a good way of mitigating health related concerns. Ensuring that CFOs meet the minimum distance separation (MDS) to neighbouring residences reduces the concentration of air emissions, such as for ammonia and dust at these residences. Rimrock's application meets all of AOPA's technical requirements.

Weeds and soil erosion: A few respondents expressed concern about agronomic impacts, including the spreading of weeds and increased amounts of soil erosion.

Approval officer's comments: Weeds and soil erosion are outside of AOPA's purview. In Alberta, noxious weeds are regulated under the Alberta *Weed Control Act* and enforced by municipalities and provincial inspectors.

Predators: One respondent expressed concern about an increase in predators (coyotes), and the impacts on neighbouring cattle herds.

Approval officer's comments: Without more information, it is difficult to assess the nature of this concern. I interpret the concern relating to dead animal disposal, which may attract coyotes and other nuisance animals. The disposal of dead animals is not under the jurisdiction of the NRCB; Alberta Agriculture and Irrigation (AGI) has jurisdiction under the *Animal Health Act*.

Community impacts: One respondent expressed an overall concern about community impacts, and specified that this application may negatively influence growth to the area, including the Village of Acme.

Approval officer's comments: As outlined in section 9 of this decision summary, effects on the economy and community are assessed as part of Approval applications. Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, if the application is consistent with the MDP then the proposed development is presumed to have an acceptable effect on the economy and community. This application is consistent with the MDP (see Appendix A). The subject land is zoned agricultural and falls outside the boundary of the IDP between Kneehill County and the Village of Acme. In my view, this presumption is not rebutted.

Expansion without construction: Several responses questioned where the increased livestock numbers would be housed if no construction was proposed as part of this application.

Approval officer's comments: The NRCB does not regulate stocking densities for livestock in feedlots. Stocking densities vary greatly depending on management practices. Rimrock's feedlot utilizes a Roller Compacted Concrete (RCC) surface on top of their permitted liner. RCC allows for a greater stocking density than traditional clay based feedlot pens. Typically, feedlots that utilize RCC have stocking densities of 100-150 square feet per head, depending on cattle size, climate, and the operation's management practices. I have assessed the densities for the proposed increase in livestock numbers and found that they are within this range; therefore, the proposed density is consistent with generally accepted feedlot practices.

Manure management: Several respondents questioned if the applicants had sufficient spreading land for the increase in manure production, and if the applicants were testing their soil.

Approval officer's comments: Manure application is regulated under sections 24 and 25 of the Standards and Administration Regulation.

Under section 24(3)(d) of the regulation, one option for manure application is for a permit applicant to satisfy an approval officer that they have access to sufficient land base to apply their manure for the first year following the granting of the application. AOPA does not require that an applicant must own the land for manure application; however, under

NRCB practice the applicant must provide land use agreements signed by the landowners.

For this proposal, 2184 hectares of land in the black soil zone are required for manure spreading. Rimrock has secured 4090 hectares of land for manure spreading. Therefore, the application meets the land base requirement in section 24(3)(d) of the regulation.

Section 25 discusses soil protection. It includes soil testing requirements, soil salinity limits, nitrate-nitrogen limits, setbacks based on the slope of the terrain to common bodies of water, and setbacks to water wells and residences. Under the regulation, the operator must also keep manure spreading and soil sampling records for five years and provide those records to the NRCB upon request. All CFO owners/operators are required to abide by these requirements.



## APPENDIX D: Response from the Village of Acme

The Village of Acme Council provided a written response on behalf of the Village. The response outlined a number of concerns, including the proximity of the site to the Village, traffic, odour and air quality, and future developments.

### Proximity of site to the Village:

In their response, the Village of Acme's Council expressed concern that the site is too close to the Village. Council correctly calculated the required MDS for category 4 residences (large scale country residential, hamlet, village, town or city), which would apply to Acme. Council believes that, due to the increase in livestock numbers and the change in type from feeder/finisher to all finishers, the site should be considered a new operation (and would therefore not qualify for the reduced MDS using expansion factor).

Approval officer's comments: Rimrock's site was originally permitted by the NRCB in 2018 under Approval RA17076 as a beef feedlot with 7,000 feeders and 7,000 finishers. The site has continuously been in operation from 2018 until present. Because the site is existing, and it is above AOPA's minimum livestock threshold numbers for a CFO, Application RA24051 is considered an expansion, not a new CFO.

AOPA's Part 2 Matters Regulation section 2(2) allows for a CFO to change the type of livestock within the same category (for example from beef feeders to beef finishers) without a permit, as long as the level of manure production or odour does not increase. In Rimrock's application, they are proposing an increase in livestock (and therefore an increase in manure production and odour), which requires an approval.

AOPA's Standard and Administration Regulation, Schedule 1, sections 6(2) and 6(3) state that if the MDS cannot be met, and at least three years have elapsed since the most recent permitted construction was completed, the Approval Officer must use expansion factor. Rimrock completed their last permitted construction on November 20, 2018, so the application meets these provisions; therefore, I applied expansion factor accordingly.

In their response, the Village of Acme states that if the NRCB decides that this operation is an expansion, they request that a survey be completed to verify the distances and provide a copy of the report to the Village.

Approval officer's comments: As part of my assessment of this application, I calculated the MDS. For 28,000 beef finishers, the MDS to a category 4 residence (Village of Acme), using expansion factor, is 2,635 m. Using Kneehill County's interactive online mapping tool, maps in municipal planning documents (Kneehill County's MDP and Land Use Bylaw), and aerial photography (Google Earth, Government of Alberta's Geocortex), I then found the closest residence within the boundary of the Village of Acme. The closest residence is 2,660 m to the closest manure storage facility/manure collection area at Rimrock (south feedlot pen listed as a "corral" as denoted on page 8 of Technical Document RA24051). Rimrock appears to meet the required MDS by approximately 25 metres; however, for additional confirmation, a survey condition is included as part of this approval.

Their response concludes this section noting concerns about the application of the IDP between Kneehill County and the Village of Acme. They note several points regarding long term growth strategy, buffers to mitigate potential land use conflicts, and annexations for the long-term growth of the Village.

Approval officer's comments: Rimrock's site is not located in an area subject to an IDP; therefore, it is not a consideration in this approval.

#### Transportation:

The Village inquires if a traffic impact assessment has been completed.

Approval officer's comments: A copy of this application was forwarded to Alberta Transportation and Economic Corridors (TEC), based on the site's proximity to Secondary Highway 575. In their response, a representative from TEC stated that the applicant is required to provide TEC with a Traffic Impact Assessment (TIA). It appears that one possible outcome of the TIA is that upgrades may be required to be completed to the standards of, and at no cost to, TEC. The applicant is reminded of this requirement.

#### Manure Spreading:

The Village inquired if there was sufficient spreading land available, and what regulations are in place to ensure that the CFO has adequate equipment to ensure manure is incorporated in the required timeframe.

Approval officer's comments: Manure application is regulated under sections 24 and 25 of the Standards and Administration Regulation.

Under section 24(3)(d) of the regulation, one option for manure application is for a permit applicant to satisfy an approval officer that they have access to sufficient land base to apply their manure for the first year following the granting of the application. AOPA does not require that an applicant must own the land for manure application; however, under NRCB practice the applicant must provide land use agreements signed by the landowners.

For this proposal, 2184 hectares of land in the black soil zone are required for manure spreading. Rimrock has secured 4090 hectares of land for manure spreading. Therefore, the application meets the land base requirement in section 24(3)(d) of the regulation.

AOPA does not have requirements regarding the equipment capacity of a site. CFO operators are required to meet all manure spreading requirements, including incorporating within 48 hours on cultivated land (section 24(1)).

#### Odour and Air Quality

The Village notes their concerns regarding an increase in odour from the CFO and spreading land.

Approval officer's comments: AOPA's minimum distance separation (MDS) requirements are a proxy for keeping odours, flies, noises, dust and other nuisance impacts at acceptable levels from CFOs, based on land zoning. The proposed CFO expansion meets the MDS to all neighbouring residences with expansion factor. It is presumed that nuisance effects from a proposed CFO expansion will be acceptable if the MDS has been met.

It is reasonable to expect that there will be some odours due to manure spreading. However, these events are usually in short duration. Often, any issues that arise relating to the operation of a CFO (including manure spreading) can be resolved through good communication between neighbours and the CFO operator. However, if a member of the public has concerns regarding a CFO, including whether the operation is complying with AOPA, they may contact the NRCB through its toll-free reporting line (1-866-383-6722). An NRCB inspector will follow up on the concern.

### Future development

The Village notes that the proposed CFO will eliminate a significant amount of land that would otherwise be available for residential growth. They state that the Village of Acme only has those lands immediately adjacent to use for future expansion.

Approval officer's comments: While Rimrock's application is for an expansion, I note that they are not proposing to increase the site's footprint.

In general, municipalities have tools to identify areas selected for future growth and development. Rimrock's site is located in Kneehill County, and is outside of the Kneehill County/Acme IDP plan area. Rimrock's site is zoned as Agricultural and is not located in a CFO exclusion area. It is also not subject to an area structure plan. As noted in section 9 of this decision summary, based on these factors I have determined that the proposed expansion is an appropriate use of land.

## **APPENDIX E: Explanation of condition in Approval RA24051**

Approval RA24051 includes a condition, discussed below:

### **a. MDS Survey**

As noted in Technical Document RA24051, the existing facilities meet the required category 4 MDS. The closest house in Acme (indicated as “Northeastern residence in Town of Acme” on page 7 of Technical Document RA24051) was measured using aerial images as being 2660 m from the southwestern most point of the feedlot pens that are located to the east of the processing barn. This distance meets the required MDS of 2635 m.

For additional assurances that the site meets the required MDS, a condition has been added requiring the applicant to provide a survey of this distance prior to increasing livestock numbers.