

Decision Summary LA25046

This document summarizes my reasons for issuing Authorization LA25046 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA25046. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca under Confined Feeding Operations (CFO)/CFO Search. My decision is based on the Act and its regulations, the policies of the NRCB, the information contained in the application, and all other materials in the application file.

Under AOPA this type of application requires an authorization. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On June 5, 2025, the NRCB issued Compliance Directive CD 25-11 to PNV Land Corp. and Springer Dairy Ltd. operated by Bryan Vande Munt, for the unauthorized construction of a manure collection area (MCA) and a manure storage facility (MSF). A dugout had been converted to an earthen liquid manure storage (EMS) and a new feed alley had been constructed. The compliance directive ordered them to either obtain a permit for the facilities or decommission them.

On June 6, 2025, Springer Dairy Ltd. (Springer Dairy), submitted a Part 1 application to the NRCB to permit the already constructed EMS and feed alley at an existing dairy CFO.

The Part 2 application was submitted on July 14, 2025, and I deemed the application complete the same day.

The application involves:

- Permitting a feed alley with a manure transfer pit - 36.6 m x 9.1 m and 2.4 m x 3.0 m x 1.8 m deep
- Permitting an earthen liquid manure storage (EMS) - 30 m x 42 m x 5.5 m deep

a. Location

The CFO is located at SE 29-11-20 W4M in Lethbridge County, approximately 150 m northwest of the hamlet of Iron Springs, Alberta. Springer Dairy is within the Urban Fringe district surrounding Iron Springs and is approximately 80 m west of Huntsville School. The surrounding terrain is relatively flat and the closest common body of water is an irrigation canal 217 m north of the CFO.

b. Existing permits

The CFO has a deemed registration PL25003. This deemed registration recognized the CFO's deemed livestock capacity as 65 milking cows (plus associated dries and replacements).

2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies all parties that are “affected” by an authorization application. Section 5 of AOPA’s Part 2 Matters Regulation defines “affected parties” as:

- the municipality where the CFO is located or is to be located
- in the case where part of a CFO is located, or is to be located, within 100 m of a bank of a river, stream or canal, a municipality entitled to divert water from that body within 10 miles downstream
- any other municipality whose boundary is within a notification distance. In this case, the notification distance is ½ mile (805 m) from the CFO

None of the CFO facilities are located within 100 m of a bank of a river, stream or canal.

A copy of the application was sent to Lethbridge County, which is the municipality where the CFO is located.

Since Iron Springs is a hamlet, I confirmed with Lethbridge County that the planning and development of Iron Springs is under Lethbridge County’s jurisdiction. They stated that no additional notice for Iron Springs is required.

3. Notice to other persons or organizations

Under NRCB policy, the NRCB may also notify persons and organizations the approval officer considers appropriate. This includes sending applications to referral agencies which have a potential regulatory interest under their respective legislation.

Referral letters and a copy of the complete application were emailed to Alberta Environment and Protected Areas (EPA), Alberta Transportation and Economic Corridors (TEC), and the Lethbridge Northern Irrigation District (LNID).

I also sent a copy of the application to Atco Gas & Pipelines Ltd. as they are a utility right of way holder on the subject land.

In their response, a development and planning tech with TEC stated that they do not have any concerns with the application and a permit is not required.

In their response, a water administration technologist with EPA stated that because there is no proposed increase in livestock, Springer Dairy does not require additional water licensing. They also stated that EPA does not have any concerns with the application.

In their response, the LNID stated that they do not have any objections to the application.

Authorization LA25046 does not relieve the co-permit holders 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. MDP consistency

I have determined that the existing (unauthorized) facilities are consistent with the land use provisions of Lethbridge County’s municipal development plan. There is no applicable IDP. (See Appendix A for a more detailed discussion of the County’s planning requirements.)

5. AOPA requirements

With respect to the technical requirements set out in the regulations, the existing (unauthorized) facilities:

- Meet the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the “minimum distance separation” requirements, or MDS) with an exemption under the Standards and Administration Regulation section 3(5)(c)(ii)), as the existing (unauthorized) feed alley was constructed further away than existing CFO facilities relative to the nearest residence (see NRCB Operational Policy 2016-7: Approvals part 9.9.8)
- Meet the required AOPA setbacks from water wells, springs, and common bodies of water
- Have sufficient means to control surface runoff of manure
- Meet AOPA groundwater protection requirements for the design of floors and liners and protective layers of manure storage facilities and manure collection areas

With the terms summarized in part 8, the application meets all relevant AOPA requirements.

6. Responses from municipality

Directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application and are entitled to request an NRCB Board review of the approval officer’s decision.

Municipalities that are affected parties are identified by the Act as “directly affected.” Lethbridge County is an affected party (and directly affected) because the existing (unauthorized) facilities are located within its boundaries.

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

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

7. Environmental risk of facilities

As part of my review of this application, I assessed the risk to the environment posed by the CFO’s existing and proposed (already constructed) manure storage facilities and manure collection areas. 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.)

For the sake of efficiency, I first assessed the CFO’s EMS using the ERST. This appears to be the CFO’s highest risk facility because it is constructed below grade and contains liquid manure. The assessment found that this facility poses a low potential risk to groundwater and surface water. Because this is the CFO’s highest risk facility, I presume that the CFO’s other existing

facilities also pose a low potential risk to both groundwater and surface water. 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 and that the presumption is not rebutted. A further assessment of the risks posed by the other facilities, using the ERST, is not necessary.

8. Terms

Authorization LA25046 permits the use of the already constructed EMS and feed alley.

Authorization LA25046 contains terms that the NRCB generally includes in all AOPA authorizations, including terms stating that the applicant must follow AOPA requirements and must adhere to the project descriptions in their application and accompanying materials.

9. Conclusion

Authorization LA25046 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA25046.

Authorization LA25046 must be read in conjunction with deemed registration PL25003, which remains in effect.

August 25, 2025

(Original signed)

Kailee Davis
Approval Officer

Appendices:

A. Consistency with municipal land use planning

APPENDIX A: Consistency with municipal land use planning

Under section 22(2) of AOPA, an approval officer may only approve an application for an authorization or amendment of an authorization 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/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 22(2.1) of the Act precludes approval officers from considering 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 provisions are commonly referred to as “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.)

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

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

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

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

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

The CFO is located in an exclusion zone, however this application is for an existing CFO, not a new one. Therefore, this policy does not apply.

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

The CFO is located within an urban fringe district but is not subject to an IDP, therefore this policy is not applicable.

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

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

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

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

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

In my view, this policy is a site-specific setback and is a “test or condition” for the siting for a CFO and is not a valid land use provision. According to section 22(2.1) of AOPA, I cannot consider this policy in my MDP consistency determination.

I note that the application meets the setbacks outlined in Lethbridge County’s Land Use Bylaw for Urban Fringe Districts. The response received from Lethbridge County supports this finding.

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

As noted in Lethbridge County’s response, the application is within the Urban Fringe District for Iron Springs, in which CFOs are prohibited. However, the County stated that they recognize the grandfathered status of the CFO as it holds municipal development permit 30/78. Therefore, this part of the policy does not apply to the application.

In their response, the County also stated that the application is consistent with the MDP, except for the minimum parcel size policy as the parcel is 77.6 acres. In my view, this is a “test or condition” for the siting for a CFO as it imposes an arbitrary, county-wide restriction without explanation, and is not a valid land use provision. According to section 22(2.1) of AOPA, I cannot consider this policy in my MDP consistency determination as approval officers shall not consider provisions respecting tests or conditions related to the site of a CFO.

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

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

For these reasons, I conclude that the application is consistent with the land use provisions of Lethbridge County’s MDP that I may consider.