

## Decision Summary FA25002

This document summarizes my reasons for issuing Approval FA25002 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document FA25002. 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 April 11, 2025, Shady Lane Breeder Farm Inc. (Shady Lane) submitted a Part 1 and Part 2 application to the NRCB to expand an existing multi species CFO. On May 6, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing chicken layers (plus associated pullets) from 10,000 to 34,000
- Removing 100 sheep ewes, 100 sheep feeder lambs, and 2 dairy cows (allowed for personal consumption not being operated as a CFO)
- Constructing a new layer barn with attached manure shed – 63 m x 28.6 m and 29 m x 7.3 m
- Converting the existing layer barn to a pullet barn

The application also notified the NRCB of the proposed construction of an egg grading area (41.6 m x 15.2 m). This facility is an “ancillary structure,” under section 1(1)(a.1) of the *Agricultural Operations, Part 2 Matters Regulation*, because it 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 W ½ 34-77-2 W6M in Birch Hills County, roughly 8 km East of the hamlet of Wanham AB. The terrain is relatively flat sloping to the north with the nearest common body of water being a seasonal drainage approximately 61 m to the East that flows North towards Highway 49.

#### b. Existing permits

To date, the CFO is permitted under NRCB Approvals FA05006 and FA05006A. Those permits allowed the construction and operation of a multispecies CFO with 8,000 feeder hogs, 10,000 chicken layers, 300 broiler chickens, 2 dairy cows, 100 ewes, 100 feeder lambs, 1,000 ducks, and 150 geese. The CFO’s existing permitted facilities are listed in the appendix to Approval FA25002.

### 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 1.5 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 Birch Hills 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 the Signal newspaper which is in circulation in the community affected by the application on May 6, 2025, and
- sending 20 notification letters to people identified by Birch Hills County as owning or residing on land within the notification distance.

The full application was made available at the NRCB’s Morinville office for viewing during regular business hours.

Due to an oversight at the time of the notification, the public notice and notification letters did not include “associated pullets” that the applicant proposed with the chicken layers in the application. However, the notification letters and public notice directed readers to the full application on the NRCB’s website, which included the Part 1 showing layers plus associated pullets. I note that the MDS calculation, notification distance, and manure storage requirements were determined using the associated pullets in addition to the chicken layers.

### **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).

In a response from EPA, in a response EPA indicated that the CFO has a current water license from several dugouts.

In a response TEC indicated that the proposed application is outside the highway development control zone and therefore, a roadside development permit is not required.

Approval FA25002 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. 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 expansion is to be located.

#### **5. MDP consistency**

I have determined that the proposed expansion is consistent with the land use provisions of Birch Hills 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 expansion:

- 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 the 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." Birch Hills County is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Mr. Larry Davidson, the chief administrative officer with Birch Hills County, provided a written response on behalf of the County's municipal planning commission. The County stated that the application is not consistent with the County's municipal development plan (MDP) due to a setback to highway 49. The application's consistency with the land use provisions of Birch Hills County's MDP is addressed in Appendix A, attached. The County also raised several questions and concerns, which are addressed in Appendix C, attached.

Apart from municipalities, any member of the public may request to be considered "directly affected." The NRCB received a response from 2 individuals.

The two individuals that submitted a response own or reside on land within the 1.5 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 directly affected individuals raised concerns regarding odours, dust control due to road infrastructure use, reduction in property taxes and compensation. These concerns are addressed in Appendix B.

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

New manure collection areas and storage facilities which clearly meet or exceed AOPA requirements are automatically assumed to pose a low risk to surface and groundwater. However, there may be circumstances where, because of the proximity of a shallow aquifer, or porous subsurface materials, an approval officer may require monitoring for the facility. In this case a determination was made based on the application and information available, and monitoring is not required.

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, 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 Shady Lane's existing CFO facilities were assessed in 2006. The assessment indicated that the potential risks to surface water and groundwater were low.

Since the 2006 risk assessment, the updated ERST (v1.2) has been made available. For these reasons, I reassessed the risks posed by the CFO's existing facilities. My reassessment found that the existing facilities still pose a low potential risk to both ground and surface water.

## **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.

Mr. Davidson did not list the setbacks required by the County's land use bylaw (LUB). Reviewing them, the application appears to meet these setbacks.

I have considered the effects the proposed CFO 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 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 FA25002, and from my site visit), this presumption is not rebutted.

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. In my view, this presumption is not rebutted based on the information available, and the directly affected parties' concerns have been addressed. See the discussion of nuisances, traffic, and property taxes in Appendix B.

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 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 FA25002 specifies the cumulative permitted livestock capacity as 8,000 feeder hogs, 34,000 chicken layers (plus associated pullets), 300 broiler chickens, 1,000 ducks, and 150 geese and permits the construction of the layer barn with attached manure shed and the conversion of the other layer barn to a pullet barn.

Approval FA25002 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 FA25002 includes conditions that generally address construction deadlines, document submission and construction inspections. For an explanation of the reasons for these conditions, see Appendix D.

For clarity, and pursuant to NRCB policy, I consolidated the following permits with Approval FA25002: Approval FA05006 (and its amendment FA05006A) (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. Appendix D discusses which conditions from the historical permit are or are not carried forward into the new approval.

## **11. Conclusion**

Approval FA25002 is issued for the reasons provided above, in the attached appendices, and in Technical Document FA25002.

Shady Lane's NRCB-issued Approvals FA05006A and FA05006 are therefore superseded, and their content consolidated into this Approval FA25002, unless Approval FA25002 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approvals FA05006A and FA05006 will remain in effect.

August 29, 2025

(Original signed)

Nathan Shirley  
Approval Officer

**Appendices:**

- A. Consistency with municipal land use planning
- B. Concerns raised by directly affected parties
- C. Responses from Birch Hills County
- D. Explanation of conditions in Approval FA25002

## 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/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 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.)

There is no applicable IDP.

### Municipal Development Plan (MDP)

Shady Lane’s CFO is located in Birch Hills County and is therefore subject to that county’s MDP. Birch Hills County adopted the latest revision to this plan on August 24, 2017, under Bylaw #2017-06.

Part 3 of the MDP addresses agriculture, generally. The goal for this part is to “preserve and enhance the County’s agriculture land, agriculturally based activities...”. In Objective 6, the MDP states that it aims to fulfill this goal, in part, by “[p]rovid[ing] guidance on the development of CFOs”. This CFO-specific “guidance” is in section 3.1.3 of the MDP.

Policy 3.1.3(a) states that, besides complying with the policies in part 3.1.3, “a proposed CFO shall also comply with the relevant policies and guidelines of all other land uses contained within the [Municipal Development] Plan, and all relevant provincial policies and regulations. Refer to Map 3 for siting restrictions.”

Map 3, in turn, divides the county’s land base into areas that are “not supportive of confined feeding operations” (yellow), “privately owned land supportive of confined feeding operations” (orange) and “existing confined feeding operations” (red). One of the quarter sections where Shady Lane’s existing CFO and proposed expansion is located (NW 34) is marked as an “existing CFO” on Map 3 and the other quarter with existing CFO facilities (SW 34) is marked as “not supportive of confined feeding operations”. It’s unclear if the “existing CFO” location permits an expansion on this parcel; however, further setbacks below likely are used for this interpretation.

Policy 3.1.3(b) states that all CFO applications shall be reviewed by Council and the Municipal Planning Commission. This policy section is not a land use provision as the requirement is procedural in nature. Therefore, it is not relevant to my MDP consistency determination. (See Operational Policy 2016-7: *Approvals*, part 9.2). At any rate, the application was sent to Birch Hills County for its input, and the County’s municipal planning commission reviewed it

Policy 3.1.3.(c) states that the county will not support applications to the NRCB to “establish or expand a CFO unless they are “compatible with adjacent land uses and do not cause adverse health or environmental impacts.” This policy is not considered a relevant land use provision as it calls for site-specific, discretionary judgements. Therefore, this policy is not relevant to my MPD consistency determination. Regardless, the subject land is zoned Agricultural, and the effects of the proposed expansion on the environment are acceptable because the application meets all of AOPA’s technical requirements.

Policy 3.1.3(e) defines how the setbacks listed in 3.1.3(f) are measured. Policy 3.1.3(f)(i) through (xii), in turn, outline setback requirements for proposed new and expanding CFOs. The setback requirements include:

- i. 300 m from an existing principal residence
- ii. 3.2 km from a hamlet
- iii. 1.6 km from the County Boundaries
- iv. 1.6 km from a community facility or recreational area
- v. 0.8 km from crown-owned wetlands and environmentally sensitive land
- vi. 1.6 km from the Peace River and Smoky River
- vii. 200 m from minor watercourses
- viii. 30 m from streams and creeks
- ix. 30 m from all registered drainage projects
- x. 0.8 km from key waterbodies
- xi. 0.8 km from a highway
- xii. 150 m from a municipal roadway

Page 6 of the MDP lists the “minor watercourses” including Bad Heart River, Saddle (Burnt) River, Fox Creek, Kakut Creek and Vixen Creek.

Shady Lane’s proposed layer barn appears to be located outside these setbacks with the exception of the 0.8 km setback to a highway (the proposed layer barn is approximately 639 m from highway 49 while the existing layer barn is approximately 700 m). However, as further discussed below, Policy 3.1.3(j) states:

*“notwithstanding this section and other relevant policies contained within this plan regarding a CFO, Council may consider supporting an application in the setback areas, if the applicant can prove the proposed operation will have reduced cumulative impacts on existing and future adjacent residences, based on advanced operating systems such as a digester or a biofiltration system.”*

On their own, I would consider many of the setbacks listed in Policy 3.1.3(f) as relevant policy contained in the plan as 3.1.3(f) refers to CFOs specifically. However, as discussed below, Policy 3.1.3(j) seeks to modify all the setbacks in 3.1.3(f) at the discretion of the County and is considered a test or condition. Therefore, the 0.8 km setback from a highway is nullified and not considered a relevant land use provision. Additionally, the existing layer barn is within this setback to the highway. A copy of the application was provided to Alberta Transportation and Economic Corridors who replied stating the proposed development is located outside the highway development control zone. The inapplicability of the highway setback in Policy 3.1.3(f) is based on the application in front of me and does not necessarily mean will be interpreted the same for all applications or for all setbacks listed in 3.1.3(f).

Policy 3.1.3(g) states that “all liquid manure tanks/lagoons should be designed to retain 18 months of storage.” This policy related to the construction of a liquid manure storage facility. Section 20(1.1) of AOPA precludes approval officers from considering MDP policies related to



the construction or siting of a CFO or manure storage facility. Under AOPA requirements, Shady Lane must have a minimum of 9 months of manure storage or an adequate manure management plan. In any case this application is for facilities that operate with a solid manure system, so this policy is irrelevant to the proposed expansion.

Policy 3.1.3(h) states that, to reduce CFO odours, the county “strongly encourage[s]” all liquid manure storages to be “covered with synthetic liners and to install biofilters.” This policy is more a provision relating to the management and operation of liquid manure storage facilities. In its response, the County expressed some concern about odour mitigation. However, since this application is not for a liquid manure facility it is not relevant to my decision. Additionally, as it clearly relates to the construction of a manure storage facility, it is a test or condition and not a land use provision (see Operational Policy 2016-7: Approvals, part 9.2.8). That said, approval officers will presume that if an application meets AOPA’s MDS requirements, the odour effect on nearby residences will be acceptable and therefore do not require the use of a cover to mitigate odours from manure storages. NRCB compliance staff are available to resolve any compliance issues that might arise from odour nuisances.

Policy 3.1.3(i) states that a “CFO should not be established or expanded where there is any risk that runoff will contaminate water supplies.” This policy is not considered a land use provision as it calls for site-specific discretionary judgements about acceptable risk levels and in calculating risks. Therefore, this policy is not relevant to my MDP consistency determination. At any rate, the application meets the requirements of AOPA, several of which are meant to protect surface water and groundwater resources from manure contamination.

Referring to setbacks in 3.1.3(f), Policy 3.1.3(j) states that “Council may consider supporting an application in the setback areas, if the applicant can prove the proposed operation will have reduced cumulative impacts on existing and future adjacent residences, based on advanced operating systems such as a digester or a biofiltration system”. This is likely not a land use provision as it allows municipal council to make a discretionary judgement about the applicability of the listed setbacks depending on the degree of cumulative effects that the County considers acceptable, on a case-by-case basis. AOPA was in part enacted to “establish common rules across the province” and industry (NRCB Board Decision 2011-03 Grow North at p 6). It is unclear if we are to disregard 3.1.3(f) as well as (j), or if the county would want to prohibit outright CFO structures in the setbacks listed in 3.1.3(f). However, based on this application in my view, the setback to highways in 3.1.3(j) is a test or condition about siting that I may not consider, under section 20(1.1) of AOPA.

Part 3.7 of the MDP addresses environmental stewardship. The goal set out by the county is to “strive for effective environmental stewardship of land and water within the municipality”. This policy is not considered a land use provision but is likely a general guiding principle for interpreting other MDP provisions.

Policy 3.7.1(h) is in place to protect the “Fox Creek Watershed, as illustrated on the Environmental Features Map (Map 4)”. Map 4 illustrates that Shady Lane’s CFO is not located within the Fox Creek Watershed. The policy stated that “no development including...CFOs...shall be supported in these areas as they may generate negative impacts on the creek. Such developments may be permitted if mitigation measures are employed to the satisfaction of the County.” Similar to 3.1.3(j), the last part of this policy allowing CFOs with certain mitigation measures negates 3.7.1(h) as a relevant land use provision as it calls for site-specific discretionary judgements about whether mitigation measures are to the satisfaction of the County. It is unclear if we are to disregard 3.7.1(h) or if the county would want to prohibit outright CFOs in the Fox Creek Watershed. At any rate, the application meets the required

setbacks and the related environmental protection requirements under AOPA including setbacks to water bodies such as Fox Creek. The application is also not located within the Fox Creek Watershed and therefore this policy is not relevant to my determination.

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

## APPENDIX B: Concerns raised by directly affected parties

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 1.5-mile notification distance as specified in section 5(c) of the Agricultural Operation, Part 2 Matters Regulation:

- Justin and Stefanie Seifert  
SW 3-78-2 W6M

See NRCB Operational Policy 2016-7: *Approvals*, part 7.2.1.  
These two directly affected individuals raised the following concerns:

1. **Odours and nuisances** – concern was raised over the negative effects of odours, 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 expansion meets the MDS to all neighbouring residences. It is presumed that nuisance effects from a CFO will be acceptable if the MDS has been met.

The subject land is currently zoned by the county as Agriculture, indicating that it is an acceptable location for agricultural activities.

Complaints about CFO related issues can be reported to the NRCB's 24 hours reporting line (1-866-383-6722) and will be followed up on by an NRCB inspector.

2. **Increased traffic including traffic noise, dust, and road wear and tear** – concern was raised about 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. It is encouraged that neighbours attempt to communicate to try to improve working relationships.

3. **Compensation and property tax reduction** – it was stated that the respondents should receive compensation and reduction in property taxes due to the existence of the CFO.

### **Approval officer's conclusion:**

Property taxes and other forms of compensation are outside the purview of Part 2 of AOPA. I interpret this concern as focusing on the value of their own property. 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. Brad Towle, RFR 2017-09 pg. 3.)

## **APPENDIX C: Responses from Birch Hills County (a directly affected party)**

In response to the application, Birch Hills County raised questions and concerns regarding surface water runoff controls, odour impacts from the previously issued permit, manure management, and waste entering the overall drainage system.

As noted throughout, the application meets the technical requirements of AOPA; several of which are designed to minimize nuisance impacts, surface and groundwater risks, and nutrient accumulation. Regarding the application, the proposed facilities operate on a solid manure system with the enclosed manure storage controlling run-on and runoff and nuisances such as odour and dust. Existing facilities previously approved, were all approved meeting AOPA requirements including setbacks to neighbouring residences and runoff controls from the facilities. In a recent board decision (Hutterian Brethren of Murray Lake. RFR 2020-09/LA20035 at p. 3), the NRCB Board stated that “When making a permit decision on a new application, approval officers do not have the jurisdiction to re-visit previously issued permits”.

The applicant is also required to follow all applicable AOPA requirements regarding manure application which is addressed in section 24 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. The regulations provide rules for manure application as an ongoing operating matter, rather than a permitting matter. Section 24 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. The section also mandates setbacks from water bodies, water wells, and residences.

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. In that case, 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). Birch Hills County 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.

Regarding the location relative to highway 49 the application was sent to Alberta Transportation and Economic Corridors (TEC). In their response TEC stated that a roadside development permit was not required as it's outside the highway development control zone.

## **APPENDIX D: Explanation of conditions in Approval FA25002**

Approval FA25002 includes several conditions, discussed below, and carries forward a number of conditions from Approval FA05006 (see sections 2 and 3 of this appendix). Construction conditions from historical Approval FA05006 that have been met are identified in the appendix to Approval FA25002.

Approval FA25002 includes several conditions, discussed below:

### **1. New conditions in Approval FA25002**

#### **a. Construction deadline**

Shady Lane proposes to complete construction of the proposed new layer barn with attached manure shed by May 2026. This time-frame is considered to be unreasonable for the proposed scope of work due to the short timeframe and any unforeseen construction challenges. Therefore, the deadline of December 1, 2027 is included as a condition in Approval FA25002.

#### **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 FA25002 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 shed 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. Shady Lane 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 shed.

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 FA25002 includes a condition stating that Shady Lane shall not place livestock or manure in the manure storage or collection portions of the new layer barn with attached manure shed until NRCB personnel have inspected the facility and confirmed in writing that it meets the approval requirements.

### **2. Conditions carried forward and modified from FA05006**

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that conditions 5(a) and (b) from Approval BA05006 should be carried forward as they were included as a part of the previous permit and are more stringent than what AOPA requires.

**5(a)** No solid manure will be applied to NW 27-77-2 W6M, E½ 34-77-2 W6M and NW 35-77-2 W6M.

**5(b)** Manure application to forages or direct seeded land with no incorporation can only occur when conditions allow between May 1 and August 15.

### **3. Conditions not carried forward from FA05006**

Approval FA25002 includes the terms and conditions in Approval FA05005, except those noted below.

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that conditions 5(c) and (d) from FA05006 should be deleted and therefore are not carried forward.

**5(c)** Manure must not be spread on frozen or snow covered ground.

**5(d)** Records as required by AOPA must be maintained.

AOPA already requires all CFO owners and operators to abide by these provisions under sections 24 and 28 of the Standards and Administration Regulation. For clarity, these two conditions will not be carried forward.