

Decision Summary LA25054

This document summarizes my reasons for issuing Authorization LA25054 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA25054. 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 July 3, 2025, Hutterian Brethren Church of Jumbo Valley (Jumbo Valley Colony) submitted a Part 1 application to the NRCB to construct a new catch basin at an existing multi species CFO.

The Part 2 application was submitted on July 24, 2025, and I deemed the application complete the same day.

The proposed construction involves:

- Constructing a catch basin – 43 m x 31 m x 2.4 m deep

The application also proposes to decommission an existing catch basin (43 m x 31 m x 2.4 m deep), located at the calf shelter.

a. Location

The proposed catch basin is located at Sec. 28-10-25 W4M in Municipal District (MD) of Willow Creek, roughly 12 km east of the Town of Granum, Alberta. The CFO is on relatively flat terrain. The closest common body of water is an irrigation canal, approximately 32 metres to the east.

b. Existing permits

The CFO is currently permitted under Approval LA25019.

2. Notices to affected parties

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

- the municipality where the CFO is located or is to be located
- in the case where part of a CFO is located, or is to be located, within 100 m of a bank of a river, stream or canal, a municipality entitled to divert water from that body within 10 miles downstream
- any other municipality whose boundary is within a notification distance. In this case, the notification distance is 1.5 miles (2.4 km) from the CFO

One of the existing CFO facilities is located within 100 m of a canal. The Lethbridge Northern Irrigation district (LNID) was notified.

No other municipality shares a border within the notification distance.

A copy of the application was sent to MD of Willow Creek, which is the municipality where the CFO is located.

3. Notice to other persons or organizations

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

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

I also sent a copy of the application to Atco Gas and Pipelines, Equus Real Ltd., and South Alta Rural Electrification Association Ltd as they are right of way holders on this land.

The NRCB received a response from Ms. Adriane Gomes Preissler, a water administration technologist with EPA. In her response, she stated that EPA has no concerns with this application.

The NRCB also received a response from Ms. Katrina Holoboff, a representative of the LNID. In her response, Ms. Holoboff stated that the LNID has no concerns with this application.

Authorization LA25054 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. MDP consistency

I have determined that the proposed construction is consistent with the land use provisions of MD of Willow Creek's municipal development plan (see Appendix A for a more detailed discussion of the County's planning requirements.) There is no intermunicipal development plan applicable for this site.

5. AOPA requirements

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

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS)
- Meets the required AOPA setbacks from water wells, springs, and common bodies of water
- Has sufficient means to control surface runoff of manure
- Meets AOPA groundwater protection requirements for the design of floors and liners of manure storage facilities and manure collection areas

With the terms and conditions 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." MD of Willow Creek is an affected party (and directly affected) because the proposed facility is located within its boundaries.

No response was received from the MD of Willow Creek. The application's consistency with the land use provisions of MD of Willow Creek's MDP is addressed in Appendix A, attached.

7. Environmental risk of facilities

New MSFs which clearly meet or exceed AOPA requirements may be assumed to pose a low risk to surface and groundwater. The information on this file supports the assumption that risks to groundwater and surface water are low.

When reviewing a new authorization application for an existing CFO, NRCB approval officers assess the CFO's existing buildings, structures, and other facilities. In doing so, the approval officer considers information related to the site and the facilities, as well as results from the NRCB's environmental risk screening tool (ERST). The assessment of environmental risk focuses on surface water and groundwater. The ERST provides for a numeric scoring of risks, which can fall within either a low, moderate, or high risk range. (A complete description of this tool is available under CFO/Groundwater and Surface Water Protection on the NRCB website at www.nrcb.ca.) However, if those risks have previously been assessed, the approval officer will not conduct a new assessment unless site changes are identified that require a new assessment, or the assessment was supported with a previous version of the risk screening tool and requires updating. See NRCB Operational Policy 2016-7: Approvals, part 9.17.

In this case, the risks posed by Jumbo Valley Colony's existing CFO facilities were assessed in 2016, 2018, and 2021 using the ERST. According to those assessments, the facilities posed a low potential risk to surface water and groundwater.

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

8. Terms and conditions

Authorization LA25054 permits the construction of the catch basin.

Authorization LA25054 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.

In addition to the terms described above, Authorization LA25054 includes conditions that generally address a construction deadline, document submission, construction inspection, and decommissioning. For an explanation of the reasons for these conditions, see Appendix B.

9. Conclusion

Authorization LA25054 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA25054.

Authorization LA25054 must be read in conjunction with Approval LA25019 which remain in effect.

August 29, 2025

(Original signed)

Carina Weisbach
Approval Officer

Appendices:

- A. Consistency with municipal land use planning
- B. Explanation of conditions in Authorization LA25054

APPENDIX A: Consistency with municipal land use planning

Under section 22 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).

This does not mean consistency with the entire MDP. 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 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.)

Jumbo Valley Colony’s CFO is located in the MD of Willow Creek and is therefore subject to that county’s MDP. The MD of Willow Creek adopted the latest revision to this plan on June 14, 2017, under Bylaw #1765, consolidated in August 2019 into Bylaw No. 1841.

Section 2 of the MD of Willow Creek’s MDP states that agriculture is a predominant land use in the MD, though it also notes that it is important to balance other interests. Section 2 states that one of the main objectives of the MDP is to mitigate the siting of any CFOs to minimize conflicts with adjacent land uses. Policy 2.3 states that the MD shall establish guidelines with regards to the NRCB for the regulation and approval of CFOs within the MD. These guidelines are found in section 9.

I do not consider Section 2 and policy 2.3 to be “land use provisions.” Rather, I consider them to be a source of insight for the interpretation of the remaining portions of the MDP.

The MDP provisions relating to CFOs are in Section 9 Confined Feeding Operations / Intensive Livestock Operations.

Policy 9.1 of the MDP requests that the following setbacks are to be applied:

- a. *The appropriate setbacks from the right-of-way of any public roadway which is not designated as a primary highway as established in the municipal LUB*

Road setbacks are likely not land use provisions in the sense that AOPA uses the concept in section 22(1)(a) or (b), which recognizes the higher-level land use planning of an MDP. Land use provisions provide generic directions about the acceptability of various land uses in specific areas. Specific siting rules such as roadway setbacks on the site are found more typically in land use bylaws and is more a condition related to the “site for a CFO” (a test or condition). Infringement into a road right of way setback is not an automatic basis for denying an application under AOPA. Having said that, this does not mean that AOPA disregards such matters as setbacks, which are an important expression of the municipality’s needs. In this case, all applicable setbacks have been met.

- b. *As required by TEC for roads designated in the Memorandum of Agreement with the MD.*

Because this CFO is more than 2 km south of a secondary highway controlled by TEC, I did not send this application for TEC's review.

Policy 9.2 of the MDP directs the NRCB to consider six matters. These are quoted below, followed by my interpretation of how the provision is related to this application.

- (a) *the cumulative effect of a new approval on any area near other existing CFO's/ILO's*

This policy is likely not a "land use provision", as it calls for project-specific, discretionary judgements about the types of cumulative effects that should be considered and the acceptable maximum levels of each of those effects. In addition, this is an authorization and no increase in animals and associated manure production is proposed.

- (b) *environmentally significant areas contained in the "Municipal District of Willow Creek: Environmentally Significant Areas in the Oldman River Region" report*

Jumbo Valley's CFO is not within an area designated as of natural significance in the referenced report (Map 1 of the report) or any other areas identified as environmentally sensitive.

- (c) *providing notice to adjacent landowners including applications for registrations or authorization*

This is likely not a "land use provision" because of its procedural focus and thus, I do not consider it to be relevant to my MDP consistency determination. According to the notification requirements of AOPA (Operational Policy 2016-7: *Approvals*, part 8.7), I sent the application to the MD of Willow Creek and to all applicable referral agencies. No other individuals or parties were notified of this application.

- (d) *applying minimum distance separation calculations to all country residential development*

I interpret "minimum distance separation" as referring to the minimum distance separation (MDS) requirements in section 3 and Schedule 1 of the *Standards and Administration Regulation* under AOPA. The MDS is met to all neighbouring residences.

- (e) *restricting development in the flood plain, floodway, the flood way fringe and flood prone, or hazard lands within or adjacent to any watercourse within the MD; and*

Jumbo Valley Colony's CFO is not located within a known flood plain, floodway, the floodway fringe and flood prone, or hazard lands as identified in the Alberta Environment and Protected Areas flood hazard website. Also, as illustrated in Technical Document LA25054, the CFO meets AOPA setbacks to common bodies of water. Based on this information, the application is consistent with this provision.

- (f) *restricting development in any wetland or riparian area*

Jumbo Valley Colony's CFO is not located in a wetland or riparian area, and it meets the AOPA setbacks to common bodies of water. Therefore, the application is consistent with this provision.

For these reasons, I conclude that the application is consistent with the land use provisions of the MD of Willow Creek's MDP that I may consider.

APPENDIX B: Explanation of conditions in Authorization LA25054

a. Construction deadline

Jumbo Valley Colony proposes to complete construction of the proposed new catch basin by December 31, 2025. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of December 31, 2026, is included as a condition in Authorization LA25054.

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, Authorization LA25054 includes conditions requiring:

- a. Jumbo Valley to provide a stamped professional engineer's completion report certifying that the catch basin was constructed with the same liner material as that used for hydraulic conductivity testing, the compaction test results, location and dimensions, and that the constructed liner meets AOPA liner requirements.

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. Authorization LA25054 includes a condition stating that Jumbo Valley Colony shall not allow manure contaminated runoff to enter the new catch basin until NRCB personnel have inspected the catch basin and confirmed in writing that it meets the authorization requirements.

c. Decommissioning of the catch basin

Jumbo Valley Colony proposed to decommission the existing catch basin. A condition will be included requiring Jumbo Valley Colony to decommission the existing catch basin within one year of finishing the construction of the newly permitted catch basin. The decommissioning shall occur according to Technical Guideline 096-90 for facilities posing a low risk to the environment.