

Decision Summary LA24022

This document summarizes my reasons for issuing Registration LA24022 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA24022. 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 a registration. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

The NRCB received a public complaint on October 12, 2023, indicating that Henk Beekman operating as Hill Billy Farms (Mr. Beekman) was operating an above threshold goat CFO and did not have a Municipal Development (MD) permit or NRCB permit. An NRCB inspector conducted a site inspection on October 19, 2023, and found that Mr. Beekman had constructed and was operating an above threshold goat CFO without an MD permit or NRCB permit. An inspection report was issued to Mr. Beekman on October 25, 2023, in which Mr. Beekman committed to apply for and obtain an NRCB permit by May 31, 2024.

On April 24, 2024, Mr. Beekman submitted a Part 1 application to the NRCB to construct a new goat CFO.

Compliance Directive CD 24-04 was issued to Mr. Beekman on August 30, 2024, as Mr. Beekman had expanded his livestock numbers between the time the inspection report was issued and a site visit was conducted on August 7, 2024, without obtaining an NRCB permit. CD 24-04 required Mr. Beekman to not purchase any additional livestock or increase the total breeding herd numbers until an NRCB permit was received. CD 24-04 also required the applicant to no longer use the feedlot pens and kidding barn after February 3, 2025, and to have these facilities decommissioned by February 18, 2025, unless an NRCB permit was obtained.

On October 16, 2024, the applicant requested a 6 month extension to submit their Part 2 application. The applicant indicated in an email that they were having issues with getting a driller out to test the soil for the site. As such, they said they would not be able to meet the 6 month deadline date to submit a Part 2 application of October 24, 2024. On October 17, 2024, I granted the 6 month extension.

On February 25, 2025, an extension to the February 3, 2025, deadline of CD 24-04 was granted as Mr. Beekman had made progress towards submitting a Part 2 application, with a new deadline of March 18, 2025. An NRCB inspector continually followed up on the progress Mr. Beekman made towards submitting a Part 2 application throughout March and April. Because Mr. Beekman made significant progress on his application, no further compliance action was taken.

The Part 2 application was submitted on April 16, 2025. On April 23, 2025, I deemed the application complete.

The proposed CFO involves:

- Increasing goat nannies/billies numbers from 0 to 650
- Increasing goat feeder numbers from 0 to 1,500
- Constructing a catch basin – 20 m x 48 m x 3 m depth
- Constructing new pens – 61 m x 31 m
- Permitting the already constructed row 1 with shelters – 71 m x 20 m
- Permitting the already constructed row 2 with shelters – 71 m x 26 m
- Permitting the already constructed row 3 with shelters – 80 m x 31 m

In CD 24-04, an NRCB inspector determined that the kidding barn should be included as part of the CFO. In my further discussions with Mr. Beekman about his operation of the kidding barn, I determined that the kidding barn is not a CFO facility. Mr. Beekman explained that the kidding barn is only used in the winter during the kidding period, in which he kids once per year in the winter. He explained that the goats are allowed to roam in and out of this barn during kidding and the mothering up period. Mr. Beekman stated once that is over, the goats are put outside in pens and the barn is cleaned out and empty until the next kidding season. This is in accordance with Operational Policy 2016-9: Meat Goat CFO Determinations, part 3.1.

a. Location

The proposed CFO is located at SW 10-7-19 W4M in the County of Warner, roughly 2 miles north-east of the village of Stirling. The terrain is relatively flat, with a general slope to the south. The nearest common body of water is a marsh on the north side of the property that is 150 m from the closest CFO facility.

2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are “affected” by a registration 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 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 ½ mile (805 m) from the CFO
- all persons who own or reside on land within the greater of ½ mile (805 m) or the minimum distance separation for the land on which the CFO is located

The land zoning on which the CFO is located would require a minimum distance separation of 221 metres. Therefore, the notification distance is ½ mile. (The NRCB refers to this distance as the “notification distance”.)

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

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

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public notice on the County of Warner's website on April 23, 2025, as there are no newspapers available in the area, and
- sending 4 notification letters to people identified by the County of Warner as owning or residing on land within the notification distance.

The full application was made available for viewing at the NRCB office in Lethbridge during regular business hours.

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 Raymond Irrigation District (RID).

I also sent a copy of the application to Triple W Natural Gas Co-op Ltd., and South East Alberta Water Co-op Ltd. (SEAWC), as they are utility right-of-way (ROW) holders on the subject land.

I received responses from Leah Olsen, development and planning technologist with TEC, Bradley Calder, water administration technologist with EPA, Jeff Skeith, chief financial officer with Triple W Natural Gas Coop, and LaDonna Hammel, secretary treasurer with SEAWC.

In her response, Ms. Olsen stated that TEC has no concerns or requirements with respect to this proposal and a permit will not be required.

In his response, Mr. Calder stated that upon review of the Alberta EPA Authorization Viewer for the subject land, there are no water licensing records available. Mr. Calder noted that the applicant supplied a conveyance agreement with RID as the source of water to support the CFO. The applicant indicated that water from the conveyance agreement would be used to fill a dugout multiple times a year. Mr. Calder indicated that in an email from RID, the current conveyance agreement does not apply to the filling of a dugout for the purpose of stock watering, and that another agreement between the applicant and the RID is needed to support this activity. Mr. Calder stated the applicant will need to contact the RID to obtain another conveyance agreement for the purpose of stock watering and provide the licence numbers to EPA so they can be confirmed. The response from EPA was forwarded to the applicant for their information and action. I received an email from the applicant on June 13, 2025, in which they indicated they are working with the RID. The applicant is reminded of their requirement to obtain sufficient water licensing.

In his response, Mr. Skeith stated that Triple W Natural Gas Coop has no objections to the application.

Ms. Hammel provided three responses on behalf of SEAWC. In her first response, Ms. Hammel stated that SEAWC opposed the location of some of the development. Ms. Hammel stated that new developments are required to stay 30 m from their existing lines, and it appeared that their water line is under the new construction. Ms. Hammel said that if the applicant wished to keep their construction as planned, they can pay SEAWC for them to relocate the water line, with the

entire cost of moving the water line being charged to the applicant or move the construction plans. Ms. Hammel provided a second response that indicated where the SEAWC water line is on the subject land. These responses were forwarded to the applicant for their information and action.

On June 13, 2025, I received an email from the applicant in which they indicated they are working with SEAWC. On June 27, 2025, the applicant indicated in an email that SEAWC “is good” with the proposal. I contacted SEAWC to confirm that they had come to an agreement with the applicant. Ms. Hammel sent a third response on July 15, 2025, that stated SEAWC has no conflict with the proposed pen areas and proposed catch basin, and not more than 20-25 cm of dirt is to be removed on top of the water line. A photo was also provided that showed the proposed locations of the new pens and catch basin in relation to the SEAWC water line and labelled as having no conflict.

I did not receive any other responses.

Registration LA24022 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 22(9) of AOPA requires that an approval officer must ensure the application complies with any applicable ALSA regional plan.

As required by section 4(1) of the South Saskatchewan Regional Plan (SSRP), I considered that document’s Strategic Plan and Implementation Plan and determined that the application is consistent with those plans. In addition, there are no notices or orders under the Regulatory Details portion of the SSRP that apply to this application.

5. Municipal Development Plan (MDP) consistency

I have determined that the proposed CFO is consistent with the land use provisions of the County of Warner’s MDP. (See Appendix A for a more detailed discussion of the county’s planning requirements.) There is no applicable intermunicipal development plan (IDP).

6. AOPA requirements

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

- 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 protective layers of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 9 and in Appendix B, the application meets all relevant AOPA requirements.

7. Responses from municipality and other directly affected parties

Directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application and are entitled to request an NRCB Board review of the approval officer's decision. Not all affected parties are "directly affected" under AOPA.

Municipalities that are affected parties are identified by the Act as "directly affected." The County of Warner is an affected party (and directly affected) because the proposed CFO is located within its boundaries.

Mr. Shawn Hathaway, a chief administrative officer with the County of Warner, provided a written response on behalf of the County of Warner. Mr. Hathaway stated that the application is consistent with the County of Warner's municipal development plan (MDP) and there are no intermunicipal development plans (IDPs) within the development area. He also stated all the land is zoned extensive agriculture in the area. The application's consistency with the land use provisions of the County of Warner's MDP, is addressed in Appendix A, attached.

Mr. Hathaway did not list the setbacks required by the County of Warner's land use bylaw (LUB) but noted that the application meets these setbacks and setbacks to neighbouring residences.

Apart from municipalities, an owner or occupant of land within the notification distance may request to be considered "directly affected."

No other responses were received.

8. Environmental risk of CFO facilities

New CFO facilities which clearly meet or exceed AOPA requirements may be assumed to pose a low risk to surface and groundwater. There may be circumstances where, because of the proximity of a shallow aquifer, or porous subsurface materials, and surface water systems an approval officer may require groundwater monitoring for the facility. Based on the information in the application, as well as the information I gathered from a site visit, I did not identify any reasons to implement a groundwater monitoring condition for the proposed facilities.

9. Terms and conditions

Registration LA24022 specifies the cumulative permitted livestock capacity as 650 goat nannies/billies and 1500 goat feeders, and permits the construction of the catch basin, new pens, and permits the use of the already constructed row 1 with shelters, row 2 with shelters, and row 3 with shelters.

Registration LA24022 contains terms that the NRCB generally includes in all AOPA registrations, 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, Registration LA24022 includes conditions that generally address construction deadlines, document submission, and construction inspection. For an explanation of the reasons for these conditions, see Appendix B.

10. Conclusion

Registration LA24022 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA24022.

September 4, 2025

(Original signed)

Kelsey Peddle
Approval Officer

Appendices:

- A. Consistency with municipal land use planning
- B. Explanation of conditions in Registration LA24022

APPENDIX A: Consistency with municipal land use planning

Under section 22 of AOPA, an approval officer may only approve an application for a registration or amendment of a registration 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, no IDP applies.

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 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 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.)

Mr. Beekman’s CFO is located in the County of Warner and is therefore subject to that county’s MDP. The County of Warner adopted the latest revision to this plan in November 1999, under Bylaw No. 804-99.

As relevant here, section 4.1.5 of the MDP sets out land uses and the areas where the uses are encouraged. Sub-section 4.1.5(c) addresses “intensive agriculture”. This section states that intensive agriculture is “generally accepted everywhere in the county within the principles of minimum distance separation and the land use bylaw, particularly in the irrigated areas of the county”. It also states that intensive agriculture should:

- have regard for the minimum distance separation calculation, and
- ensure compliance with the land use bylaw and any other regulation.

Section 4.1.5(c) refers to Bylaw No. 930-17. Under that bylaw, the subject land is currently zoned Extensive Agriculture. CFOs are listed as a discretionary land use under this zoning category and NRCB approval, rather than a municipal permit, is required.

Section 4.1.5(c) also refers to compliance with “any other regulation”. This is likely not a “land use provision” for purposes of the MDP consistency requirement under AOPA. Regardless, no party, including the County of Warner, has identified “any other regulation” that the application does not meet.

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

APPENDIX B: Explanation of conditions in Registration LA24022

Registration LA24022 includes several conditions, discussed below:

a. Construction deadline

Mr. Beekman proposes to complete construction of the proposed new pens and catch basin by “fall 2027”. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of October 31, 2027, is included as a condition in Registration LA24022.

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, Registration LA24022 includes conditions requiring:

- a. Mr. Beekman to provide a construction report from a qualified third party that the new pens and catch basin:
 - Were constructed at their proposed locations
 - Were constructed to the proposed size
 - The catch basin’s final dimensions, including depth and slope

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. Registration LA24022 includes conditions stating that Henk Beekman shall not place livestock or manure in the manure storage or collection portions of the new pens, nor allow manure impacted run-off to enter the catch basin until NRCB personnel have inspected the new pens and catch basin and confirmed in writing that they meet the registration requirements.