

Decision Summary LA24041A

This document summarizes my reasons for issuing Authorization LA24041A under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA24041A. 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 amendment to an authorization. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

During the post construction inspection of the EMS, it was noted that the EMS was constructed differently than permitted in Authorization LA24041. Subsequently, West Raley Colony was directed to apply for an amendment of Authorization LA24041.

On August 7, 2025, Hutterian Brethren Church of West Raley (West Raley Colony) submitted an application to the NRCB to amend Authorization LA24041 that permitted the construction of a new earthen liquid manure storage (EMS) at an existing multi species CFO.

The application was deemed complete on August 8, 2025.

The EMS, as constructed is only three meters (3 m) below ground level rather than seven (7) with a four meter (4 m) berm around it for a total depth of seven (7) meters and was increased by two meters (2 m) in length and width. No other changes were made in respect to liner type and proof was provided that the EMS was constructed with a 1 m thick compacted clay liner that meets AOPA requirements (report included in Technical Document LA24041A)

The dimensions of the constructed EMS are: 83 m x 83 m x 7 m deep (3 m below ground level)

a. Location

The CFO is located at SE 13-4-25 W4M in Cardston County, at the south end of the St. Mary Reservoir, approximately 2.5 km west of the Hamlet of Raley. The topography of this area is slightly undulating with several coulees cutting through, sloping towards the St. Mary Reservoir. The closest common body of water is an ephemeral creek running into the St. Mary Reservoir that is 241 m south of the new EMS.

b. Existing permits

The CFO is currently permitted under Approval LA19028, and Authorizations LA24033 and LA24041.

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 0.5 miles (804 m) from the CFO

Some 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 Cardston County, which is the municipality where the CFO is located, and to the Blood Tribe, which has a boundary within the notification distance for the CFO.

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 that have a potential regulatory interest under their respective legislation.

A referral letter and a copy of the complete application were emailed to Alberta Environment and Protected Areas (EPA).

I also sent a copy of the application to Alta Link Management, which is a right-of-way holder on this land.

A response was received from Mr. Bradley Calder, a water administration technologist with EPA. In his response he stated that EPA has no concerns with this application.

No responses were received from the other agency that was notified of this application.

Authorization LA24041A 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. Municipal Development Plan (MDP) consistency

I have determined that the constructed EMS remains consistent with the land use provisions of Cardston County’s municipal development plan because the approved location has not changed and no amendments of the MDP have passed affecting the location of the CFO. Therefore, a new consistency determination is not required (See Authorization LA24041 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 constructed EMS continues to meet:

- the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the “minimum distance separation” requirements, or MDS)

- the required AOPA setbacks from water wells, springs, and common bodies of water
- AOPA groundwater protection requirements for the design of floors and liners of manure storage facilities and manure collection areas

6. Responses from municipalities

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." Cardston County is an affected party (and directly affected) because the proposed facility is located within its boundaries.

Mr. Joe Thomas, a development officer with Cardston County, provided a written response on behalf of Cardston County. Mr. Thomas stated that the county has no concerns with this application. No other comments were made.

The Blood Tribe did not respond to this application.

7. Environmental risk of facilities

The discussion about the risk of existing CFO facilities in Decision Summary LA24041 remains valid. Because the EMS as constructed continues to meet AOPA requirements, a risk assessment is not required for this application.

8. Terms and conditions

Rather than issuing a separate "amendment" to Authorization LA24041, I am issuing a new authorization (LA24041A) with the required amendment. Authorization LA24041A therefore contains all the terms and conditions in Authorization LA24041, except the construction conditions that have already been met and the modification regarding the depth and final dimensions of the EMS.

9. Conclusion

Authorization LA24041A is issued for the reasons provided above, in Decision Summary LA24041 and LA24041A, and in Technical Documents LA24041 and LA24041A.

Authorization LA24041 is therefore superseded, unless Authorization LA24041A is held invalid following a review and decision by the NRCB's Board members or by a court, in which case the previous permit will remain in effect.

September 8, 2025

(original signed)
Carina Weisbach
Approval Officer