

## Decision Summary BA25001

This document summarizes my reasons for issuing Approval BA25001 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document BA25001. 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 January 14, 2025, Deep Creek Farms 2020 Inc. (Hutterian Brethren Church of Deep Creek) submitted a Part 1 application to the NRCB to construct a new beef feedlot CFO.

The Part 2 application was submitted on April 30, 2025. On May 20, 2025, I deemed the application complete.

The proposed CFO involves:

- Permitting 3,000 beef finishers
- Constructing feedlot pens – 470 m x 102 m (total)
- Constructing a catch basin – 85 m x 60 m x 4.5 m

The application also notified the NRCB of the proposed construction of a handling and processing facilities (61 m x 102 m) and silage and commodity storage area (61 m x 143 m). These facilities are 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, these structures are part of the CFO but do not need to be permitted under the Act.

#### a. Location

The proposed CFO is located at NW 24-68-22 W4M in Athabasca County, roughly 18 km N of the town of Athabasca AB. The terrain is flat sloping to the SE with the Athabasca River located approximately 3.4 km to the SE and a seasonal drainage 67 m to the S.

### 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 Athabasca County, which is the municipality where the CFO is to be located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in the Town and County This Week, a newspaper in circulation in the community affected by the application on May 20, 2025, and
- sending 29 notification letters to people identified by the County as owning or residing on land within the notification distance.

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

### **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).

I also sent a copy of the application to Cenovus Energy as they are a right of way holder.

In a response from EPA, it was indicated that the EPA is currently working with the operator on potential contraventions relating to dugouts, waterwork system, and lagoons. This process is separate from the NRCB, and the applicant is reminded that it is their responsibility to comply with all EPA requirements including water licensing.

Approval BA25001 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 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 CFO is to be located.

### **5. Municipal land use planning**

I have determined that the proposed CFO is consistent with the land use provisions of Athabasca County 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 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 floors and protective layers of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 10 and in Appendix E, 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.” Athabasca County is an affected party (and directly affected) because the proposed CFO is located within its boundaries.

Ms. Tara LeMessurier, a development officer with Athabasca County, provided a written response on behalf of the County. Ms. LeMessurier noted a 1.6 k setback requirement to land used or designated as residential among the provisions of the County’s municipal development plan (MDP). The application’s consistency with the land use provisions of the Athabasca County’s MDP is addressed in Appendix A, attached. The County also posed several comments and considerations which are addressed in Appendix D.

Apart from municipalities, any member of the public may request to be considered “directly affected.” The NRCB received 18 other responses.

Of the 18 responses, 8 came from people who own or reside on land within the 1.5 mile notification distance for affected persons. 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 other 10 respondents do not own or reside on land within the 1.5 mile distance for affected persons. Of these 10 respondents, I consider none to be directly affected by the approval application. Appendix B sets out my reasons for determining which respondents are directly affected.

The directly affected parties raised concerns regarding odour and nuisances, traffic and road use, groundwater usage and licensing, groundwater quality, surface water from proposed location, availability of manure spreading lands, cumulative effects, need of environmental impact assessments, property values. These concerns are addressed in Appendix C.

## 8. Environmental risk of CFO facilities

As part of my review of this application, I assessed the risk to the environment posed by the CFO's proposed feedlot pens and catch basin. 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](http://www.nrcb.ca).)

The assessment found that these facilities pose a low potential risk to 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.

## 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.

Ms. LeMessurier also provided the setbacks required by Athabasca County's land use bylaw (LUB). The application meets 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 (<https://www.eab.gov.ab.ca/decisions.htm>), accessed August 20, 2025).

Finally, I considered the effects of the proposed change and 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 BA25001, and from my site visit), this presumption is not rebutted, and the directly affected parties' concerns have been addressed.

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. The community hall is not a residence and not subject to the MDS. At any rate, the land located to the East of the CFO is zoned agriculture and would meet the MDS if considered a residence. s such in my view, this presumption is not rebutted based on the information available.

I also presumed that the proposed CFO 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). In addition, the land where the CFO will be located, and surrounding lands, are zoned Agriculture or Crown land. 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 BA25001 specifies the cumulative permitted livestock capacity as 3,000 beef finishers and permits the construction of the feedlot pens and catch basin.

Approval BA25001 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 BA25001 includes conditions that generally address construction deadlines, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix E.

## **11. Conclusion**

Approval BA25001 is issued for the reasons provided above, in the attached appendices, and in Technical Document BA25001.

September 16, 2025

(Original signed)

Nathan Shirley  
Approval Officer

## **Appendices:**

- A. Consistency with municipal land use planning
- B. Determining directly affected party status
- C. Concerns raised by directly affected parties
- D. Responses from referral agencies
- E. Explanation of conditions in Approval BA25001

## 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 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)

Deep Creek’s proposed CFO is located in Athabasca County and is therefore subject to that county’s MDP. Athabasca County adopted the latest revision to this plan on August 29, 2019, under Bylaw #003-2019.

Policy 5.3 defines agricultural land use for extensive and confined feeding operations. This is considered a general guiding principle and is not considered a land use provision, therefore this is not relevant to my decision. In any respect, this application is consistent with this provision.

Policies 5.14 to 5.18 of the MDP relate specifically to CFOs.

Policy 5.14 supports the development and expansion of CFOs where there is limited potential effects for land use conflicts. As the application meets minimum distance separation (MDS) requirements, as well as the other AOPA requirements, I consider this met.

Policy 5.15 requires MDS to be met. As stated in the decision summary and elsewhere the AOPA MDS has been met.

Policy 5.16 lists 4 requirements in which the county believes new or expanding CFOs are inappropriate:

- a) Within 1.6 km of land used for residential, commercial, recreational or institutional use or land designated for such uses;
- b) Within 100m of a water body, watercourse or ravine;
- c) Within 1.6 km of an urban municipality, and intermunicipal development plan boundary, a summer village or a hamlet; or
- d) Within the Major Lake Policy Area Overlay Area or the Less Developed Lake Policy Area Overlay or within the Environmentally Significant Area or the Key Wildlife and Biodiversity Zone.

The response from Athabasca County appears to interpret Policy 5.16 a) as requiring a 1.6 km setback to all residences, regardless of how the land is zoned. The zoning of land surrounding

the proposed CFO is Agriculture and Crown land. Subsection (a) essentially creates exclusion zones surrounding areas based on specific land use or land designation. The land surrounding Deep Creek's site is zoned as agricultural, and is used for agricultural purposes; therefore, it is not designated or used for commercial, recreational, or institutional purposes.

As for residential use, in my view, the first portion of Policy 5.16 (a) modifies AOPA's MDS to residences by making it a blanket 1.6 km (notwithstanding zoning). The NRCB's Board (see Wyntjes, Board Decision 2007-11 at 6 et seq.) and Approvals Policy (see the NRCB Operational Policy 2016-7: Approvals, part 9.2.8) have made it clear that approval officers should not consider MDP provisions that are based on, but modify and render more stringent, AOPA's MDS requirements. Thus, this policy cannot be considered for purposes of my MDP consistency determination.

5.16 b) The County shows waterbodies/water courses on several maps, and specifically on map A3. According to the maps no waterbodies or water courses are within 100m of the proposed expansion and therefore this requirement is considered met.

5.16 c) the proposed application meets this requirement.

5.16 d) According to Map A3 and Map 1 the proposed application is not within any of these areas and therefore this policy is considered met.

Policy 5.17 states what the County will consider when providing recommendations to the NRCB regarding a proposed application. I consider this to be guidance for the County when responding to the NRCB and therefore not an actual valid land use provision.

Policy 5.18 requests the NRCB require the applicant to enter into road use agreements. Under NRCB policy, approval officers will not include conditions in permits requiring operators to enter into a road use agreement with the municipality. The reason for this policy is that roads are a "municipal responsibility and are not located on the CFO site" (NRCB Operational Policy 2016-7: *Approvals*, part 9.13). However, Deep Creek is reminded that it is responsible under municipal law for complying with any county road use requirements.

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

## APPENDIX B: Determining directly affected party status

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 notification distance, as specified in section 5(c) of the Agricultural Operation, Part 2 Matters Regulation (See NRCB Operational Policy 2016-7: *Approvals*, part 7.2.1):

**Table B1: Directly Affected Parties**

Cynthia Duetsch and Shawn Jackson NE 24-68-22 W4M	Pierre and Joanne Heudes SE 22-68-22 W4M	Daniel Holt SE 25-68-22 W4M
Elizabeth Lamoureux SW 19-68-21 W4M	Tyrell Nagtegaal SW 23-68-22 W4M	Dylan Odegard NW 13-68-22 W4M
Robert Salamon NE 24-68-22 W4M	Frans Spamer SE 30-68-21 W4M	

A person who is not specified in section 5 of the Part 2 Matters Regulation as an affected party can also qualify for directly affected party status. However, they have the burden to demonstrate they are directly affected by the application. The following individuals that submitted a response to the application may fall under this category:

**Table B2: Not Directly Affected**

Crystal Bennett SE 28-68-22 W4M	Joan Chrusch Athabasca	Ty Chunick Rge Rd 220
Alixis Cockerill Not provided	Henry and Lynn Desy NE 21-68-22 W4M	Cheryl and Marty Gorski NE 15-68-22 W4M
Irine Mihailuk Not provided	Kandice Proulx Not provided	Richmond Park Community Hall Association NE 24-68-22 W4M
Darcy Webb SE 28-68-22 W4M		

Under NRCB policy, a person has the burden of demonstrating that they are directly affected by an application. In order to meet their burden of proof, the person has to demonstrate all the following five elements (see NRCB Operational Policy 2016:7 *Approvals*, part 7.2.1):

1. A plausible chain of causality exists between the proposed project and the effect asserted;
2. The effect would probably occur;
3. The effect could reasonably be expected to impact the party;
4. The effect would not be trivial; and
5. The effect falls within the NRCB regulatory mandate under AOPA.

I carefully considered each one of these responses against these factors. I established that none of the parties listed above in Table B2 have demonstrated to my satisfaction that they are directly affected by the proposed application. My reasons for this view are set out below. I note that all the concerns raised by these were largely the same as those raised by the affected parties and 5 of the parties did not provide a legal land location as outlined in the public notice and therefore cannot be considered directly affected.

The Richmond Park Community Hall Association does not own the property that the hall is located on, nor is there a permanent residence. Although they raise concerns regarding the use



of the community facilities, the property is zoned agriculture, and all the facilities would meet the MDS requirements from the proposed feedlot if considered a residence. The County is the owner of the location and did not raise concern regarding its use. I note that some individuals in Table B1 raised issues related to community hall use (see Appendix C below).

Many of the concerns revolved around odour and how that will affect neighbouring land uses and therefore the greater community and economy. AOPA's minimum distance separation (MDS) requirements are a proxy for minimizing odours, flies, and other nuisance impacts from CFOs. The proposed CFO meets the MDS to all neighbouring residences. Accordingly, nuisances would not reasonably be expected to impact the parties who own or reside on land outside the MDS, and outside the notification distance more than the parties within the notification distance. Regardless, it is reasonable to expect that there will be some odour emissions and other potential nuisance impacts from the CFO when operational.

There were also many concerns involved impacts to surface water and groundwater. As noted in the decision summary above, and documented in Technical Document BA25001, the proposed CFO facilities meet all AOPA technical requirements including liners and setbacks to water wells and common bodies of water. Several of these requirements are designed to prevent or minimize manure leakage from CFO facilities and thus to prevent manure from reaching and contaminating groundwater. In my view, the effects in these concerns are not reasonably expected to impact these parties.

Several concerns were raised regarding road use including township road 684. As discussed, Appendix C below, road use falls under county jurisdiction (not the NRCB's regulatory mandate) and although the NRCB does not require applicants to enter into road use agreements with counties or municipalities, the County may require that agreement, on its own.

For the reasons above, I conclude that the people listed in Table B2 have not established that they are directly affected by the application. However, I acknowledge that these individuals' perception of effects are not trivial to them. It's also noted that most of the concerns raised by these individuals are the same as, or very similar to, those raised by the directly affected parties, and discussed below in Appendix C, below.

## APPENDIX C: Concerns raised by directly affected parties

The directly affected party concerns are identified below, together with my analysis.

1. **Odours and nuisances** – concern was raised over the negative effects of odours, noise (cattle), light, flies, 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. Operators are expected to control flies at their operation. The proposed CFO meets the MDS to all neighbouring residences. It is presumed that nuisance effects from a proposed CFO will be acceptable if the MDS has been met.

Often, any issues that arise relating to the operation of a CFO, and other disagreements, can be resolved through good communication between neighbours and the CFO operator. However, if a member of the public has concerns regarding a CFO, including whether or not the operation is complying with AOPA, they may contact the NRCB through its toll free reporting line (1-866-383-6722). An NRCB inspector will follow up on the concern.

It is expected that, through a good neighbour relationship, a respectful relationship can be established between the parties. The NRCB encourages neighbours to communicate with each other to address questions or concerns they may have.

2. **Increased traffic including traffic noise, dust, road wear and tear, and safety** – concern was raised about increased traffic in particular on Twp Rd 684 and the associated effects.

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

The County has jurisdiction of local roads, including maintenance and upgrades. 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.

3. **Groundwater quality** – concern was raised regarding groundwater contamination from manure storage facilities at the proposed CFO including managing e. Coli in the water.

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

As noted in the decision summary above, and documented in Technical Document BA25001, the proposed CFO facilities meet all AOPA technical requirements. Several of these requirements are designed to prevent or minimize manure leakage from CFO facilities and thus to prevent manure from reaching and contaminating groundwater.

Additionally, regulations under AOPA set nutrient application limits to prevent the soils from being overloaded with nitrogen and minimize the potential for groundwater to be impacted by manure. The Standards and Administration Regulation under AOPA also requires operators to test soils on farmland to which manure is applied for salts and nitrogen at least every three years, and to make these records available for inspection by the NRCB.

As noted in section 6 of this decision summary, and further documented in Technical Document BA25001, the CFO meets all AOPA technical requirements, including:

setbacks from springs, and water wells; having sufficient means to control surface runoff of manure; nutrient management requirements regarding the land application of manure; and groundwater protection requirements for the floors and liners of manure storage and collection facilities (naturally occurring protective layer).

4. **Surface water** – concern was raised regarding the potential for contamination of surface water from manure runoff from the CFO facilities including the proximity to the Athabasca River and wells in the area.

**Approval officer's conclusion:**

As noted in this decision summary above, and further documented in Technical Document BA25001, the CFO meets AOPA technical requirements designed to protect surface water (e.g. sections 5, 6, 7, 8, 12, 13, 15, 24 of the Standards and Administration Regulation), and thus to prevent CFO manure from reaching and contaminating surface water. This includes setbacks to common bodies of water, runoff controls such as site sloping and a catch basin which exceeds the required volume. A condition is also included requiring a construction completion report to ensure the site is built as proposed.

Additionally, the Athabasca River is located downslope from the site; however, the river is located approximately 3 km from the nearest facility and therefore, meets the setback to surface water requirements.

5. **Environmental Impact Assessment** – concern was raised about the lack of an environmental impact assessment (EIA).

**Approval officer's conclusion:**

EIAs are not required under AOPA (unlike the NRCB Act, where an EIA may be the trigger for a statutory review for non-energy natural resources projects). Instead, applications under AOPA are assessed based on the requirements set out in AOPA and its regulations.

6. **Property Values** – concern was raised that the proposed CFO would reduce property values.

**Approval officer's conclusion:**

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. the Board decision in *Brad Towle*, RFR 2017-09 at pg. 3.)

7. **Effects on the community, economy, and environment** – concern was raised about the negative effects of the proposed CFO on the community including the distance to Richmond Park Community Hall, the economy, environment, quality of life and health.

**Approval officer's conclusion:**

As discussed above in Section 9 as the application is consistent with the County's MDP and based on the evidence presented it is presumed that the application is an acceptable use of land. The land is zoned agriculture.

The Richmond Park Community Hall is located approximately 860 m east from the proposed CFO. As explained in Appendix B above, although there is not a residence rather a community hall, the setback for residences on agriculture zoned land is 568 and therefore the setback would be met.

Southwood's proposed expansion meets all of AOPA's technical requirements. AOPA's MDS requirements are a proxy for minimizing odours and other nuisance effects, such as ammonia from CFOs. If a member of the public has concerns or questions, they may contact AHS online (<http://ephisahs.albertahealthservices.ca/createcase>) or by phone (1-833-476-4743).

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.

8. **Animal welfare** – Concern was raised regarding animal welfare and ongoing animal health.

**Approval officer's conclusion:**

These concerns are outside the scope of AOPA as AOPA does not regulate animal welfare standards. Requirements for animal welfare are set by various livestock boards and they can be contacted for any further information regarding these requirements.

## APPENDIX D: Response from Athabasca County

The county has requested the operator enter into a road use agreement to address road use, maintenance/upgrading, dust control and related matters. As mentioned in Appendix A and C, under NRCB policy, approval officers will not include conditions in permits requiring operators to enter into a road use agreement with the municipality. The reason for this policy is that roads are a “municipal responsibility and are not located on the CFO site.” NRCB Operational Policy 2016-7: *Approvals*, part 9.13. However, Deep Creek is reminded that it is responsible under municipal law for complying with any county road use requirements.

The following (summarized) comments were raised by Athabasca County’s departments of infrastructure services, agricultural services, and emergency services:

- All access to the development will need to be constructed to municipal standards
- Natural drainage needs to be maintained as to not affect adjacent properties
- Traffic for the development will be managed through a Road Use Agreement (which may include the need to supply dust suppression)
- Primary concerns are with pests and disease
- No elevated bylaws or regulations in the county pertaining to CFO’s so “as long as they follow their conditions should be good.”
- Good practice to ensure they have a emergency response plan, and follow the *Agricultural Pests Act* and the *Animal Health Act*.
- Road use agreement will be especially important as Twp 684 if the primary access route from our Richmond Park Firehall (~1/2 mile east of proposed lot) to Highway 813. Has dust control been considered.
- Containment of livestock, with multiple occurrences of this operator's livestock being at large. We do not have Stray Animal Act, which causes some challenges when animal are at large.
- Wildfire plan. This operation is located in a relatively safe location, however there is a dense conifer forest (~600ac) immediately to the west. There is the risk of potential impacts of a wildfire.
- Transport emergency response. Athabasca County Fire Services does not have large animal/livestock response capabilities. The closest response trailer would be Clyde, AB.

As shown in the application, drainage including run on and run off is to be controlled through sloping and the use of the catch basin. The remaining comments pertain to jurisdictions beyond NRCB such as Alberta Agriculture and Irrigation’s *Stray Animal Act* or County departments such as emergency planning. These comments have been provided to the applicant. It is encouraged they work closely with the County to ensure a working relationship is maintained including any municipal road use concerns as addressed above.

## **APPENDIX E: Explanation of conditions in Approval BA25001**

Approval BA25001 includes several conditions, discussed below:

### **a. Groundwater protection requirements**

Deep Creek proposes to construct the catch basin and pens with a 0.5 metre thick naturally occurring protective layer. Section 9 of AOPA's Standards and Administration Regulation specifies a maximum hydraulic conductivity for this type of protective layer in order to minimize leakage.

Deep Creek measured the hydraulic conductivity of the protective layer by installing a monitoring well (or water table well) at the time of borehole drilling. This approach provides an adequate representation of the protective layers proposed to be used to protect the groundwater resource.

The regulations provide that the actual hydraulic conductivity of a 5 metre thick naturally occurring protective layer for a catch basin and 2 metre thick for a pen floor must not be more than  $1 \times 10^{-6}$  cm/sec.

In this case, the in-situ measurement was  $4.85 \times 10^{-9}$  cm/sec. This value is below the maximum value in the regulations. Therefore, the proposed naturally occurring protective layer meets the hydraulic conductivity requirement in the regulations.

To provide additional assurance that the as-built feedlot and catch basin adequately protects groundwater, Approval BA25001 includes a condition requiring Deep Creek to provide a construction completion report certifying that the facilities were constructed as proposed.

### **b. Construction deadline**

Deep Creek proposes to complete construction of the proposed facilities by December 30, 2028. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of December 30, 2028 is included as a condition in Approval BA25001.

### **c. Post-construction inspection and review**

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 includes conditions stating that Deep Creek shall not place livestock or manure in the manure storage or collection portions of the new facilities until NRCB personnel have inspected the facilities and confirmed in writing that they meet the approval requirements.