



BOARD DECISION REQUEST FOR REVIEW

RFR 2025-06 / RA24051

In Consideration of a Request for Board
Review filed under the *Agricultural
Operation Practices Act*

Rimrock Cattle Company Ltd.

September 22, 2025

The Board issues this decision under the authority of the *Agricultural Operation Practices Act* (AOPA or the Act), following its consideration of requests for Board’s review (RFR) of Decision Summary RA24051.

1. Background

On August 20, 2025, a Natural Resources Conservation Board (NRCB) approval officer issued Decision Summary RA24051 (Decision Summary). The Decision Summary approved an application by Rimrock Cattle Company Ltd. (Rimrock or operator) to expand an existing beef confined feeding operation (CFO). The existing CFO is located at Sec. 28-29-25 W4M in Kneehill County.

Following the issuance of the Decision Summary, the Board received two requests for review (RFRs) of the Decision Summary within the filing deadline of September 11, 2025. The RFRs were from parties who had been found by the approval officer to be directly affected. These parties were Leigh Boles (Boles), and Erin and Garrett Davis and Downsview Farm Ltd. (Davis).

On September 12, 2025, the NRCB sent a Notice of Filed Requests for Board Review and provided a rebuttal opportunity to the directly affected parties listed in the Decision Summary. The rebuttal opportunity gives parties that may have an adverse interest to the matters raised in the RFRs a chance to submit their views. Rimrock filed a rebuttal dated September 16, 2025 which was received by the NRCB on September 17, 2025. NRCB Field Services filed a submission on behalf of the approval officer on September 16, 2025. These submissions were made within the filing deadline of September 18, 2025.

Under the authority of section 18(1) of the *Natural Resources Conservation Board Act*, a division of the Board (panel) consisting of Sandi Roberts (chair), Daniel Heaney, and Earl Graham was established to consider the RFRs and decide whether a review is warranted.

As used here, a “review” is a quasi-judicial hearing or written review in which the parties can submit expert and witness testimony and other evidence, when relevant, to the issues selected by the Board to be considered at the oral hearing or written review.¹ References to the “Board” in this document are to findings of the panel of Board Members established specifically for this file.

2. Documents Considered

The Board considered the following information:

- Decision Summary RA24051, dated August 20, 2025
- Technical Document RA24051, dated August 20, 2025
- Approval RA24051, dated August 20, 2025
- RFR filed by Leigh Boles, received September 11, 2025
- RFR filed by Erin and Garrett Davis and Downsview Farm Ltd., received September 11, 2025

¹ For more information on Board reviews, see NRCB, *Board Reviews & Court Decisions – Board Review Process*, [online](#).

- NRCB Field Services submission, received September 16, 2025
- Rimrock rebuttal, received September 17, 2025

3. Board Jurisdiction

The Board's authority for granting a review of an approval officer's decision is found in section 25(1) of AOPA, which states:

- 25(1) The Board must, within 10 working days of receiving an application under section 20(5), 22(4) or 23(3) and within 10 working days of the Board's determination under section 20(8) that a person or organization is a directly affected party,
- (a) dismiss the application for review, if in the opinion of the Board, the issues raised in the application for review were adequately dealt with by the approval officer or the issues raised are of little merit, or
 - (b) schedule a review.

4. Submissions

4.1 Issues Raised in the RFRs

The main concern raised in the Boles RFR was the water supply for the increased cattle numbers. The particular issues were the effects of Rimrock's new wells close to the property line on the spring fed dam on the Boles' property, and the effects Rimrock's withdrawals would have on water levels from Kneehill Creek. Secondary concerns raised in the RFR included weeds moving into the native grassland on the Boles' property; disposal of the increased manure volume associated with the increase in cattle numbers; odour, flies and other nuisance issues associated with the increased animal density; and the impact of an expanded feedlot on property values.

The Davis RFR expressed similar concerns with water levels in Kneehill Creek, noting that under license Rimrock is allowed to divert up to 156,892 cubic metres per year for use in the feedlot. While the RFR stated that water availability was adequate for the current feedlot population, the Davises were concerned about the adequacy of surface and groundwater supply with the expanded cattle numbers. The Davis cow calf operation is located directly to the east of the CFO and relies on Kneehill Creek as a summer water supply while their cattle are on pasture, changing to groundwater sources during the winter.

Other concerns raised in the Davis RFR were increased odour; increased traffic and road use; and increased predators, particularly coyotes. A more general concern about the effects of the expanded cattle numbers on community and ecosystem sustainability was also included in the RFR.

In summary, the issues raised in the RFRs considered by the Board are as follows:

- Surface and groundwater adequacy
- Manure disposal
- Nuisance concerns (odour and flies)

- Property values
- Traffic and road use
- Predators
- Community sustainability
- Ecosystem and environmental sustainability

4.2 Position of NRCB Field Services

NRCB Field Services took no position on whether the Board should schedule a review of Decision Summary RA24051.

4.3 Rimrock Rebuttal

Mr. Price's rebuttal provided the following background on Rimrock's water management practices:

"RCC has a comprehensive and sophisticated water monitoring system, installed by a local IT company, to track all water use on our operation. This system meters and monitors water pumped from each well and from the Kneehill Creek. Our water licenses, issued by Alberta Environment and Protected Areas (AEPA), include strict conditions to ensure environmental protection and water availability for other users in the area. These conditions include limits on the volume of water that can be diverted, restrictions on when water can be diverted (including minimum flow rates and stream depths), and a requirement to report all water use monthly to AEPA through the DRAS system. Our real-time monitoring app allows management to oversee water use at any time, ensuring compliance and supporting responsible operational decisions. RCC does not divert water unless all AEPA requirements are being met. In addition, this system provides detailed data that allows us to monitor average water use per head, which helps us better understand and manage cattle watering needs."

5. Board Deliberations

5.1 Surface and Groundwater Adequacy

The Board found the background information provided by Rimrock about its water management practices useful context in understanding the CFO's management of water resources.

While noting that water supply is a legitimate concern of the neighbors, surface and groundwater allotments are administered by Alberta Environment and Protected Areas under the *Water Act*. Applicants have the option of pursuing water licenses in concert with the permitting process under AOPA or applying for water licences separately. Rimrock has signed a declaration in Part 2 of their application indicating they will pursue the water licenses separately from the AOPA permitting process. As the declaration fulfills the AOPA requirements, the approval officer gave no further consideration to water supply while reviewing the permit application.

The Board notes that in signing the declaration, Rimrock acknowledges that Kneehill Creek is part of the South Saskatchewan River basin which is currently closed to new surface water

allocations. Furthermore, Rimrock must have adequate licensed water before increasing the cattle population of the feedlot.

The Board finds that this matter was adequately dealt with by the approval officer.

5.2 Manure Disposal

AOPA regulates manure management under Sections 24 and 25 of the Standards and Administration Regulation. Permit applicants must show they have adequate land for spreading based on their manure type, volume and soil zone. The operator need not own the land but must provide the approval officer with land use agreements signed by the landowners. The required land base under the permitted expansion and their location in the black soil zone is 2,184 hectares. The applicant has provided land use agreements (see Application Part 2– Technical Requirements) covering 4,090 hectares, well in excess of the AOPA requirement.

The Board finds that the applicant has sufficient land for manure disposal under the AOPA regulations, which are designed to mitigate issues created through excess manure application. Further mitigation measures under the regulations include setbacks from common water bodies and residences, requirements for timely incorporation after application, and limits on soil salinity and nitrate levels. Manure applications inconsistent with the regulations can be reported for follow up by NRCB’s compliance and enforcement inspectors.

The Board finds that this matter was adequately dealt with by the approval officer.

5.3 Nuisance Concerns (Odour and Flies)

AOPA uses a minimum distance separation (MDS) to deal with nuisance issues and ensure adequate separation between CFOs and residences. In considering this issue the Board noted that the approval officer had correctly assessed that the required MDS was exceeded for the near rural residences.

The approval officer’s initial assessment of the larger MDS required between the CFO and the closest residence in the Village of Acme indicated that the distance was adequate; however, the difference was less than 50 m. The approval officer added a condition to Approval RA24051 requiring the applicant to provide written confirmation from a professional surveyor that the MDS was met. If the MDS is not met following the survey the operator will need to apply for an amended approval.

Nuisances such as excessive odour, dust, and flies during CFO operations are addressed through NRCBs compliance and enforcement inspectors.

The Board finds that this matter was adequately dealt with by the approval officer.

5.4 Property Values

The NRCB has consistently held the opinion through numerous reviews that the impact of CFO development on property values is not a subject for Board review under AOPA or for approval officer consideration during the permitting process. The Board views property values as a land use issue to be dealt with by municipalities through their municipal development plans.

In issuing the approval, the approval officer considered the land use provisions in Kneehill County’s municipal development plan. Since the County’s MDP allows CFO development under

the zoning for the area occupied by Rimrock, the Board concurs with the approval officer assessment that the CFO expansion is an appropriate land use and finds that this matter was adequately dealt with by the approval officer.

5.5 Traffic and Road Use

County roads falls under the mandate of municipal governments under Section 18 of the *Municipal Government Act*. Road use is consequently not a consideration during the approval process. Kneehill County has the authority and expertise to assess road use and implement road use restrictions and road use agreements with Rimrock if required. Additionally, Alberta Transportation and Economic Corridors requires the applicant to complete a Traffic Impact Assessment separately from the AOPA process. These independent processes are designed to deal with road use and traffic issues which are not part of the NRCB mandate under AOPA.

The Decision Summary addresses these matters, and the Board finds that the approval officer adequately dealt with these issues.

5.6 Predators

In considering this concern brought forward in the Davis RFR, the Board observes that predator issues in or near CFOs are typically a result of poor disposal practices for dead animals. The disposal of dead animals is regulated by Alberta Agriculture and Irrigation (AGI) under the *Animal Health Act*. Ongoing issues with animal disposal at an operational CFO should be reported to AGI as they have the mandate and tools to enforce the proper disposal measures required under the *Animal Health Act*.

The Decision Summary addresses this matter, and the Board finds that the approval officer adequately dealt with this issue.

5.7 Community Sustainability

The Board does not consider community sustainability an appropriate subject for review under AOPA. The NRCB approval process assumes that the expanded CFO is considered to have a generally positive effect on the local economy since it is consistent with the County's MDP.

The Board observes that the site of the CFO is zoned agricultural, the CFO is already in place, and the CFO is located outside the boundary of the intermunicipal development plan between the County of Kneehill and the Village of Acme.

The Board finds that the approval officer appropriately interpreted the County's MDP with respect to land use while reviewing the application for expansion, and notes that community sustainability is more appropriately dealt with through local government.

The Board finds that this issue is without merit to warrant a review.

5.8 Ecosystem and Environmental Sustainability

AOPA mitigates against environmental harms through statutory requirements for groundwater and surface water protection. These include risk assessment of the site, the requirement for impermeable liners for runoff basins and manure storage facilities, and setbacks from wells and water bodies.

Since the operator has met the statutory burden under AOPA, the Board concurs with the approval officer's opinion that the environmental risk has been mitigated to acceptable levels. The Board finds that this issue has been adequately dealt with by the approval officer.

Board Decision

As a result of the Board's review of the documents under consideration for these RFRs and its deliberations on the issues raised in the RFRs, the Board finds all the issues were adequately dealt with by the approval officer or otherwise are of insufficient merit to warrant a review. The RFRs are denied.

DATED at EDMONTON, ALBERTA, this 22nd day of September, 2025.

Original signed by:

Sandi Roberts (chair)

Daniel Heaney

Earl Graham