

## Decision Summary LA25050

This document summarizes my reasons for issuing Approval LA25050 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA25050. 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 June 20, 2025, Henry Van Hierden, on behalf of Prairie View Feeders (Prairie View), submitted a Part 1 application to the NRCB to expand an existing CFO.

The Part 2 application was submitted on August 6, 2025. On August 19, 2025, I deemed the application complete.

On August 25, 2025, Prairie View was issued Compliance Directive 25-16 for being over-populated. The compliance directive ordered Prairie View to de-populate to their permitted numbers or obtain a permit for the livestock.

The proposed expansion involves:

- Decreasing beef feeders from 4,000 to 0
- Increasing beef finishers from 2,000 to 6,000

No construction is proposed. The conversion of beef feeders to beef finishers will result in an increase in manure and odor production, therefore a permit is required.

#### a. Location

The existing CFO is located at NW 22-10-22 W4M in Lethbridge County, roughly six km northwest of the hamlet of Diamond City. The terrain is flat. The nearest common body of water is Park Lake, 2.8 km south of the CFO.

#### b. Existing permits

To date, the CFO has been permitted under NRCB Approval LA25002. That permit allowed the construction and operation of a 4,000 beef feeder and 2,000 beef finisher CFO. The CFO's existing permitted facilities are listed in the appendix of Approval LA25050.

## **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 two 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. No other municipality has a border within the notification radius.

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

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in the Sunny South newspaper in circulation in the community affected by the application on August 19, 2025, and
- sending 66 notification letters to people identified by Lethbridge County 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 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) and the Lethbridge Northern Irrigation District (LNID).

I also sent a copy of the application to Atco Gas & Pipelines Ltd, Lethbridge North County Potable Water Coop Ltd., and Alpha Bow Energy Ltd. as they are right-of-way holders on the subject land.

In their response, a water administration technologist with EPA stated that an approximate 26.71 ac-ft of additional water will be required to support the proposed expansion. There is no open application in the EPA DRAS system, however they recognize that the applicant is pursuing an additional water conveyance agreement with the LNID.

In their response, the LNID stated that Prairie View currently has water conveyance agreements for 54 ac-ft of water and that an additional 28 ac-ft will be required for the expansion to 6,000 beef finishers. They included invoicing and payment information and a reminder that construction within 15 m of LNID right-of-ways is prohibited.

No other responses were received. The responses were forwarded to Prairie View for their information.

Approval LA25050 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.

As required by section 4(1) of the South Saskatchewan Regional Plan (SSRP), Lower Athabasca Regional Plan, 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. MDP consistency**

I have determined that the proposed expansion is consistent with the land use provision of Lethbridge County's 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 expansion:

- Meets the required AOPA setbacks from nearby residences, with two exceptions (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS). The owners of those residences have signed a written waiver of the MDS requirement to their residence
- Meets AOPA's nutrient management requirements regarding the land application of manure

With the terms summarized in part 10, 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." Lethbridge County is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Ms. Hannah Laberge, a planning intern with Lethbridge County, provided a written response on behalf of Lethbridge County. Ms. Laberge stated that the application is consistent with Lethbridge County's land use provisions of the municipal development plan (MDP). The application's consistency with the land use provisions of Lethbridge County's MDP is addressed in Appendix A, attached.

No responses were received from any other person, organization, or member of the public.

The NRCB considers a person who owns a residence within the MDS of the CFO, and who waives the MDS requirements in writing to be automatically considered a directly affected (see NRCB Operational Policy 2016-7: Approvals, part 7.2.1). Tony and Nella Slingerland, and Jacoba Slingerland provided MDS waivers and are directly affected parties.

## **8. Environmental risk of CFO facilities**

When reviewing a new approval 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](http://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 Prairie View's existing CFO facilities were assessed in 2025, 2024, and 2019 using the ERST. According to these assessments, the facilities posed a low potential risk to surface water and groundwater.

There have been no changes related to groundwater or surface water protection, water wells, or CFO facilities since those assessments were done. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

## **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. Laberge listed the applicable setbacks. Because no construction is proposed, the determination in Approval LA25002 that all setbacks have been observed or waived remains.

I have considered the effects the proposed expansion may have on natural resources administered by provincial departments, and I was not made aware of any statements of concern submitted under section 73 of the Environmental Protection and Enhancement Act or section 109 of the Water Act in respect of the subject of this application or any written decision of the Environmental Appeals Board / the Director under the Water Act in respect of the subject of this application.

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 September 23, 2025.

Finally, I considered the effects of the proposed 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, this presumption is not rebutted and is supported by the fact that sufficient land base is available for manure spreading and that the facilities permitted in Approval LA25002 were determined to pose a low risk to groundwater and surface water.

Consistent with NRCB Operational Policy 2016-7: Approvals, part 9.10.9, if the application is consistent with the MDP then the proposed expansion is presumed to have an acceptable effect on the economy and community. In my view, this presumption is not rebutted.

I also presumed that the proposed expansion 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 my view, this presumption is not rebutted and is supported by the comments received from Lethbridge County.

## **10. Terms**

Approval LA25050 specifies the cumulative permitted livestock capacity as 6,000 beef finishers.

Approval LA25050 contains terms that the NRCB generally includes in all AOPA approvals, including stating that the applicant must follow AOPA requirements and must adhere to the project descriptions in their application and accompanying materials.

For clarity, and pursuant to NRCB policy, I consolidated the following permit with Approval LA25050: Approval LA25002 (see NRCB Operational Policy 2016-7: *Approvals*, part 11.5). Permit consolidation helps the permit holder, municipality, neighbours and other parties keep track of a CFO's requirements by providing a single document that lists all the operating and construction requirements. Consolidating permits generally involves carrying forward all relevant terms and conditions in the existing permits into the new permit, with any necessary changes or deletions of those terms and conditions. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion. Construction conditions from historical permits that have been met are identified in the appendix to Approval LA25050.

## 11. Conclusion

Approval LA25050 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA25050.

Prairie View's NRCB-issued Approval LA25002 is therefore superseded, and its content consolidated into this Approval LA25050, unless Approval LA25050 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval LA25002 will remain in effect.

September 24, 2025

*(original signed)*  
Kailee Davis  
Approval Officer

### Appendices:

A. Consistency with municipal land use planning

## **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). In this case, no IDP applies.

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 20(1.1) 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.)

### Municipal Development Plan (MDP)

Prairie View's CFO is located in Lethbridge County and is therefore subject to that county's MDP. Lethbridge County adopted the latest revision to this plan on March 10, 2022, under Bylaw #22-001.

The policies pertaining to CFOs are in part 4, section 3 “Intensive Livestock/Confined Feeding Operations.”

Section 3.0 states that the county is supportive of CFOs in areas that are less prone to conflict and where municipal infrastructure can support such developments.

This is likely not a land use provision as it is subjective what can or cannot be supported by municipal infrastructure and that is not within NRCB's discretion.

Section 3.1 and 3.2 states that new CFOs are not permitted in the MDP CFO exclusion areas (Maps 2A and 2B), IDP CFO exclusions areas, or in CFO exclusion zones of high density residential growth centres.

This application is not for a new CFO. Regardless, the proposed expansion is not in any exclusion areas identified in these policies and is therefore consistent with this policy.

Section 3.3 states that existing operations within an urban fringe district may be permitted to expand or make improvements with consideration to any IDP that allows for such.

The CFO is not within an urban fringe district; thus this policy is not applicable to the application.

Section 3.4 pertains to the consistency of CFO exclusion zones across the county's planning documents.

This policy is procedural in nature and is not a land use provision. Therefore, it is not relevant to my MDP consistency determination.

Section 3.5 states that CFOs shall not be supported to establish or expand within environmentally sensitive areas identified in the *Cotton Wood Report: County of Lethbridge: Environmentally Significant Areas in the Oldman River Region (1987)*.

The CFO is not located within any environmentally sensitive areas identified in that report and is therefore consistent with this policy.

Section 3.6 states that “no part of a CFO building, structure, corrals, compost area, or stockpile is to be located within the property line and public roadway setbacks, including provincial highways, as outlined in the municipal Land Use Bylaw.”

Application LA25050 is for an increase in livestock only; no construction is proposed. Therefore, this policy does not apply to the application.

Section 3.7 states that CFOs are discretionary uses only in areas zoned as Rural Agriculture with a minimum parcel size of 80 acres.

As noted in Lethbridge County’s response, the parcel is zoned Rural Agricultural and is therefore consistent with this part of the policy.

The minimum parcel size stipulation is a condition for the site of a CFO and is not a land use provision. Section 20(1.1) of AOPA states that Approval Officers shall not consider provisions respecting tests of conditions related to the site of a CFO. Nevertheless, as noted in Lethbridge County’s response, the parcel size is 157.71 acres and is consistent with this part of the policy.

Sections 3.8, 3.9, 3.10, and 3.11 discuss CFO operational practices with respect to AOPA, manure spreading, the use of a reciprocal MDS, and collaboration with the NRCB, respectively.

These policies are not land use provisions (test or condition, not applicable, procedural) and therefore not relevant to my MDP consistency determination.

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