

Decision Summary RA14031A – Approval Officer Amendment of Approval RA14031

This document summarizes my reasons for issuing Registration RA14031A, an amended version of Approval RA14031. This amendment is issued on my own motion under section 23 of the *Agricultural Operation Practices Act* (AOPA). My decision is based on the act and its regulations, the policies of the NRCB and all other materials in the permit file.

Approval RA14031 and its associated documents are available from the decisions search engine on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca.

1. Background and reasons for the amendment

Miles Driedger owns and operates an existing sheep confined feeding operation (CFO) on SE 6-33-27 W4M. The site is located in Mountain View County, roughly 11 km east of Olds, Alberta.

Issued on February 2, 2010, Approval RA09030 allowed for the construction of a sheep barn (91.4 m x 24.3 m), an orphan lamb barn (14.9 m x 10 m), and two corrals (these are the same ones permitted by RA14031, 76.2 m x 9.8 m each). The permit also allowed for 1000 ewes with lambs and 1,300 feeder sheep to be present at the CFO. The barns were constructed and approved for use by the NRCB. The livestock housing and manure storage portions of the barns permitted by the previous permit were constructed to be 76.2 m x 24.4 m and 10 m x 15 m.

Issued on October 2, 2014, Approval RA14031 allowed Mr. Driedger to construct three rows of pens (that permit and its supporting documents refers to them as corrals; for clarity, those documents' references to corrals should be read as pens under AOPA). The approval also allowed an expansion of livestock capacity to a combined permit total of 2,000 ewes with lambs and 2,600 feeder sheep. The three rows of pens were to be 91 m x 30.5 m, 76.2 m x 9.8 m, and 76.2 m x 9.8 m. As noted above, the two smaller rows of pens are the same as those permitted by Approval RA09030. Approval RA14031 included flexible (extendable) construction completion deadlines of November 30, 2017 for all of the pen rows. Only one of the three rows of pens has been constructed (with dimensions of 7 m x 84 m and 13 m x 15 m). This pen is located adjacent to the west side of the larger sheep barn.

At Mr. Driedger's request, the NRCB issued a letter on November 23, 2017 where the deadline to construct the pens was extended to November 30, 2018.

On April 11, 2019, I met with Mr. Driedger at the CFO to discuss the overdue construction completion deadline. I told Mr. Driedger I need to amend his permit, in line with NRCB policy (discussed below), to reflect what has been constructed to date and reduce the CFO's livestock capacity to reflect the capacity of the constructed facilities.

Based on the above, I am amending Approval RA14031 on my own motion under section 23 of AOPA and in accordance with NRCB's *Construction Deadlines* policy (Operational Policy 2015-1). Under the construction deadline policy an approval officer amendment is warranted if there is partial construction and a construction deadline has not been met. In this case, the permit amendment documents what has been constructed within the allowed (extended)

construction completion deadline. The facilities that were not constructed within the deadline will be removed from the permit and no longer allowed to be constructed unless a new permit is issued for them. The amendment also proportionally reduces the permitted livestock capacity of the CFO to reflect the physical capacity of the remaining permitted facilities.

a. Facility capacity

The CFO that Mr. Driedger applied for, and was permitted to construct, had a combined barn area of 2,370 m² and a pen area of 4,270 m². The barns constructed by Mr. Driedger have a combined area of 2,010 m² and the pens have an area of 195 m².

In the *Code of Practice for the Care and Handling of Sheep* (National Farm Animal Care Council, 2013) the minimum space allocation for sheep in a soil feedlot (a proxy for the CFO's pens) is 6.5 m² per ewe and 2.8 m² per feeder sheep. In a shed (a proxy for Mr. Driedger's barns) the minimum space allocation is 1.5 m² per ewe with lamb(s) and 0.6 m² per feeder sheep.

Based on the above constructed areas and the stocking densities stated in the code of practice, the constructed CFO should be able to contain approximately 700 ewes with lambs and 900 feeder sheep. For this reason, I am amending Mr. Driedger's approval to state a livestock capacity of 700 ewes with lambs and 900 feeder sheep.

2. Other factors considered

The reduction in capacity to reflect the constructed facilities does not change or influence how the CFO meets the AOPA requirements. The CFO's compliance with AOPA requirements is set out in Decision Summary RA14031.

As noted in Decision Summary RA14031, that application was consistent with the land use provisions of Mountain View County's then existing municipal development plan. This approval officer amendment does not affect that municipal development plan consistency determination. (See Appendix A of Decision Summary RA14031 for a more detailed discussion of the county's then existing municipal development plan.) I reviewed Mountain View County's current municipal development plan (Bylaw 09/12, last updated August 22, 2018). The current CFO is consistent with the current plan's applicable land use provisions.

As the permitted animal capacity for the CFO is being reduced by this amendment, the reduced livestock capacity will result in a revision where the permit being issued is now a registration under AOPA (as opposed to an approval which is for larger CFOs). The assessments and conclusions in Decision Summary RA14031 about other considerations under section 20 of AOPA (for amendments of approvals) are unaffected by a reduction in permitted numbers and pen space.

3. Terms and conditions

Registration RA14031A specifies the new permitted livestock capacity as 700 ewes with lambs and 900 feeder sheep.

For clarity and efficiency, and in accordance with NRCB policy, I have consolidated the previously issued approval into the new Registration RA14031A. Consolidating permits generally involves carrying forward all non-redundant or inapplicable terms and conditions from the prior permit into the new permit, and then cancelling the prior permit.

Therefore, Registration RA14031A contains all of the relevant terms and conditions from Approval RA14031, except for the construction conditions related to barns, pens and livestock capacity which are already met. Those conditions will be carried forward, but will be stated as already met conditions in an appendix to the registration.

4. Conclusion

Registration RA14031A is issued for the reasons provided above.

Approval RA14031 is therefore cancelled, unless Registration RA14031A is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval RA14031 will remain in effect.

May 9, 2019

(Original Signed)
Jeff Froese
Approval Officer