

June 23, 2020

To: Landowner or Resident

**Re: Application LA20014 – Courtesy Notice  
Hutterian Brethren Church of Granum  
SE 25-11-28 W4M**

The Natural Resources Conservation Board (NRCB) has received an application from Hutterian Brethren Church of Granum to construct a new confined feeding operation at SE 25-11-28 W4M. The application is to construct a poultry barn (78.5 m x 16.2 m) and a manure storage area (18.3 m x 14.9 m) for 20,000 chicken layers.

This letter is being sent to all parties that own or reside on land within one mile of the proposed facility. Under the *Agricultural Operation Practices Act* (AOPA), parties that are considered affected are entitled to receive notice of the application. The location of your land or residence is within the “affected party” distance from the proposed facility, as set out by the act.

Under AOPA, the NRCB is responsible for regulating confined feeding operations (CFOs) in Alberta. The NRCB will conduct a detailed technical review of the application to ensure it meets the requirements of the act and regulations. The enclosed fact sheet provides information about how applications are reviewed.

If the approval officer issues a permit, Hutterian Brethren Church of Granum will be required to comply with the permit’s terms and conditions.

The application is available for viewing on the NRCB website at [www.nrcb.ca](http://www.nrcb.ca) under Confined Feeding Operations / Applications & Decisions / Notice of Applications. Until further notice, the application will **not** be available for viewing at the Lethbridge office of the NRCB as this office is closed to the public due to the COVID-19 pandemic. **The official notice of the application will be published in the June 30, 2020 issue of the Claresholm Local Press as long as the Claresholm Local Press.**

If you would like to submit a statement that expresses your concern or support for the application under AOPA, please send it by email to [carina.weisbach@nrcb.ca](mailto:carina.weisbach@nrcb.ca). Your statement must be received in writing by email) on or before July 29, 2020. Your statement must include:

- your name
- the legal land description of your residence and/or landholdings
- your contact information (mailing address, phone number, and email address)
- an explanation of how you would be directly affected by the proposed development (see enclosed fact sheet), and
- an explanation of your support or concern (including any supporting documents)

Please be aware that your statement is a public document. A copy will be given to the applicant. If your statement includes concerns that do not fall under the authority of the NRCB, it may be forwarded to other agencies.

If you have any questions or concerns please contact me at 403-381-5422 or by email at [carina.weisbach@nrcb.ca](mailto:carina.weisbach@nrcb.ca).

Yours truly,



Carina Weisbach  
Approval Officer

Encl.



# The Permitting Process for Confined Feeding Operations in Alberta

# Fact Sheet

## Confined feeding operations and AOPA

- Confined feeding operations (CFOs) include feedlots, dairies, hog, poultry, and mixed livestock operations, or species such as sheep, goat, or bison. They may be family-run operations or large commercial enterprises.
- The NRCB is responsible for regulating CFOs under the *Agricultural Operation Practices Act (AOPA)*. The act is the responsibility of Agriculture and Forestry.
- CFOs need an AOPA permit if they have more than the minimum number of animals outlined in the regulations. (Cow/calf and livestock grazing operations are not CFOs and do not need an AOPA permit.) Manure storage facilities need an AOPA permit if they store more than 500 tonnes of manure.
- AOPA sets out technical standards and regulations to protect groundwater and surface water, and to reduce the impact of the operation on neighbours.
- Constructing a CFO without obtaining the required permit is a serious offence.
- In order to obtain a permit under AOPA, applicants must meet the technical standards and other requirements set out by the act. CFOs must operate in compliance with the act and any conditions on their permit.
- CFOs must also comply with any other legislation that has authority over the operation—for example, the *Health Act*, the *Water Act*, the *Environmental Protection and Enhancement Act*, the *Livestock Diseases Act*, and the *Transportation Act*, among others.

## AOPA permits

- Three kinds of permits are issued under AOPA:
  - > An **approval** is required to construct or expand a large confined feeding operation.
  - > A **registration** is required to construct or expand a smaller confined feeding operation.
  - > An **authorization** is required to construct, expand, or modify a manure storage or collection facility when there is no increase in livestock numbers.

## How applications are reviewed

- NRCB approval officers review each application to ensure it meets the requirements of AOPA. Approval officers also send a copy of the application to the municipal district or county and to other regulatory authorities that could be involved with the operation, such as Environment and Parks.
- Approval officers cannot approve an application unless it meets the requirements of AOPA, including consistency with the land use planning provisions of the local municipal development plan.
- Approval officers also assess the risks the proposed and existing facilities pose to groundwater and surface water. If a permit is issued, the approval officer can include specific conditions to manage any risks that have been identified.

## Public involvement

- Notification of **approval** and **registration** applications:
  - > The NRCB publishes a public notice in the local newspaper when it receives a complete application for an approval or a registration type of permit.
  - > The notice invites public response and states where and how to provide a statement of concern or support. The public has 20 working days to submit their response.
  - > The NRCB also sends courtesy letters to persons who own land or reside within the affected party radius of the proposed development, when contact information is provided by the municipality. The affected party radius is set out in AOPA. It is determined by the size of the operation and the type of livestock.
  - > All approval and registration permit applications, as well as the public notice, are also posted on the NRCB website until the statement of concern deadline.
- The NRCB does **not** publish notices about **authorization** applications. AOPA requires only the municipal district or county, and any other regulatory authority that could be involved with the operation, to be notified of the application.
- All approval officer decisions and accompanying documents are publicly available on the NRCB website.

# The Permitting Process for Confined Feeding Operations in Alberta

## Statements of concern

- Any party may submit a statement of concern or support in response to the public notice about an application.
- The approval officer will consider the statement as part of their review of the application if:
  - > it is submitted by a directly affected party, and
  - > it is received within the deadline stated in the official public notice.
- Statements must be submitted in writing, by fax, email, or mail.
- If the statement of concern raises an issue that falls under AOPA, the approval officer will address the issue in their decision.
- Every party that submits a statement is sent a copy of the approval officer's decision.

## Directly affected parties

- Directly affected party status means that:
  - > The approval officer must consider issues in the party's statement of concern that apply to AOPA.
  - > The party may request an NRCB board review of the approval officer's decision.
- A directly affected party is a party that meets **all** of the following criteria:
  - > they reside within the affected party radius
  - > they provide a statement of concern or support in response to the public notice, and
  - > their statement is received within the deadline stated in the public notice for statements of concern.
- In addition, neighbours who sign a minimum distance separation waiver, when it is required for the application, have directly affected party status.
- A party that lives outside the affected party radius and submits a statement of concern must demonstrate why the application will affect them or their property. If the approval officer determines that they do not qualify for directly affected party status, their statement of concern will not be considered. To be considered for directly affected party status, their statement of concern should demonstrate that:
  - > There is a plausible chain of causality between the proposed project and the effect asserted,
  - > The effect would probably occur,
  - > The effect could reasonably be expected to impact the party,

- > The effect would not be trivial, and
  - > The effect falls within the NRCB's regulatory mandate under AOPA.
- Parties that are denied directly affected party status have the right to appeal the approval officer's decision on their status to the board of the NRCB.

## Waivers

- AOPA sets out the minimum distance that a confined feeding operation must be set back from a neighbouring residence. The distance depends on the size and type of the operation. In some cases, the operator may ask a neighbour to sign a minimum distance separation waiver that would allow the operator to build more closely to the neighbour's residence than the act requires. For information on waivers, please refer to the [minimum distance separation waiver fact sheet](#) at [cfo.nrcb.ca](http://cfo.nrcb.ca).

## Grandfathered operations

- AOPA grandfathers CFOs that existed on January 1, 2002. If the operation's livestock capacity was more than the threshold for a registration, the operation is considered to have a "deemed" AOPA permit.
- Grandfathered operations are not required to retrofit facilities built before 2002 to AOPA standards. However, they are not allowed to create a risk to the environment, and must address any risks that are identified.
- When these operations build new structures, renovate or expand existing structures, or increase their livestock, they must apply for and obtain a permit from the NRCB.

## Contact

- For more information, please contact an approval officer at the NRCB office nearest you:

### NRCB field offices:

Morinville	780-939-1212
Red Deer	403-340-5241
Lethbridge	403-381-5166

Dial 310-0000 to be connected toll free.

Fact sheets and other NRCB publications are available at [www.nrcb.ca](http://www.nrcb.ca).

Updated December 19, 2017  
Office contacts updated February 12, 2018