

Decision Summary LA14034A

This document summarizes my reasons for issuing Approval LA14034A, an amended version of Approval LA14034. This amended approval 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.

1. Background

Foothills Poultry Farms owns and operates an existing chicken broiler confined feeding operation (CFO) on NE 34-19-02 W5M in Foothills County. The existing CFO is roughly 3.5 km east of Black Diamond, Alberta. The terrain is undulating with high relief.

On January 28, 2016, the NRCB issued Approval LA14034 permitting the construction of four chicken broiler barns (137.2 m x 18.3 m each) with the total capacity of 150,000 broiler birds.

The construction completion deadline for the construction of the first barn was November 30, 2018, and November 30, 2021, for the remaining three barns.

On August 22, 2018, an extension of the construction completion deadline for barn 1 was requested and was granted. The new deadline was determined to be November 30, 2021.

In October (October 22, 2019), permission to construct barns 1 and 2 under one roof rather than two separate buildings was given. The footprint was otherwise unchanged.

No further construction has occurred since the post construction inspection on July 31, 2020. The NRCB did not receive a request to extend the construction completion deadline (November 30, 2021).

On September 27, 2022, an NRCB approval officer had a conversation with the operator explaining that Approval LA14034 will be amended to reflect what has been constructed, and to reduce permitted livestock to 82,000 broilers.

As required under section 9 of the Administrative Procedures Regulation under AOPA, I advised the operator on February 28, 2024, of my intention to amend the permit to what had been built to date, and to adjust the animal numbers.

As per NRCB policy (Operational Policy 2015-1 *Construction Deadlines*, Part 4), if some permitted facilities under a permit have been not been constructed and a request to amend the permit to extend the construction deadline has not been made, the approval officer is to use section 23 of AOPA to amend this permit on the approval officer's own motion to cover only the constructed facilities and to reduce the livestock capacity accordingly.

I am therefore amending Approval LA14034 on my own motion under section 23 of AOPA, to exclude the two barns that have not been constructed from the permitted CFO facilities. Because these barns were not constructed at all, the capacity of the CFO's facilities will also be amended to reflect the livestock capacity of the constructed facilities.

Based on the discussions that the approval officer had with the operator in 2022, the maximum number of chicken broilers that can be housed in the constructed barn is 82,000 chicken broilers.

2. Terms and conditions

Approval LA14034A specifies the new permitted livestock capacity as 82,000 chicken broilers and reduces the permitted facilities at this site to one barn (barn 1 and 2 combined).

For clarity and efficiency, and in accordance with NRCB policy, I have consolidated the previously issued approval, Approval LA14034 into a new amended approval: LA14034A (see NRCB Operational Policy 2016-7: *Approvals*, part 11.5). 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, and then superseding all other existing permits once the new permit is issued. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion.

Therefore, Approval LA14034A contains all of the relevant terms and conditions from Approval LA14034, except the construction conditions related to the barns 3 and 4 that were not constructed and the reduced permitted animal number at this CFO. All other exiting facilities are listed in the appendix of Approval LA14034A.

3. Conclusion

Approval LA14034A is issued for the reasons provided above.

Foothill Poultry Farms' NRCB-issued Approval LA14034 is therefore superseded, unless Approval LA14034A is held invalid following a review and decision by the NRCB's Board members or by a court, in which case Approval LA14034 will remain in effect.

March 13, 2024

(original signed)
Carina Weisbach
Approval Officer