

## Decision Summary LA19005A

This document summarizes my reasons for issuing Registration LA19005A, an amended version of Registration LA19005. 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

Vital Green Farms owns and operates an existing dairy confined feeding operation (CFO) on SE 15-11-22 W4M in Lethbridge County. The existing CFO is approximately 8 km northwest of Picture Butte, Alberta. The terrain is lightly undulating with drainage courses running towards the southeast. The closest body of water is an unnamed drainage course, with is located 16 m to the west of the earthen liquid manure storage.

On July 9, 2019, the NRCB issued Registration LA19005 permitting the establishment of an 80 milking cow (plus associated dries and replacements) dairy CFO.

The registration included the permission to use exiting facilities that were constructed prior to the CFO reaching AOPA threshold size, the unauthorized expansion of the existing earthen liquid manure storage and to construct a new bred heifer pen (24.4 m x 33.5 m). The construction deadline for the new bred heifer pen in Registration LA19005 was December 31, 2021.

Vital Green Farms did not request an extension to the December 31, 2021, construction deadline. Several attempts to reach the operator remained unanswered.

As per NRCB policy (Operational Policy 2015-1 Construction Deadlines, Part 4), if some permitted facilities have 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 remove any unconstructed facilities and to reduce the livestock capacity accordingly.

As required under section 9 of the Administrative Procedures Regulation under AOPA, I advised the operator on December 7, 2023, and again on March 11, 2024, of my intention to amend the permit to reflect what had been built to date. To date, Mr. Mans (the permit holder) has not commented.

I am therefore amending Registration LA19005 on my own motion under section 23 of AOPA, to exclude the unconstructed new bred heifer pen from the permitted CFO facilities.

### 2. Terms and conditions

Registration LA19005A specifies the permitted livestock capacity as 80 dairy cows (plus associated dries and replacements) and removes the permitted construction of a new bred heifer pen.

For clarity and efficiency, and in accordance with NRCB policy, I have consolidated the previously issued approval, Registration LA19005, into a new registration: LA19005A (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 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, Registration LA19005A contains all of the relevant terms from Registration LA19005. It also carries forward consolidated conditions except the construction conditions related to the new bred heifer pen that was not constructed. All other existing facilities are listed in the appendix of Registration LA19005A.

### **3. Conclusion**

Registration LA19005A is issued for the reasons provided above.

Vital Green Farms' NRCB-issued Registration LA19005 is therefore superseded, unless Registration LA19005A is held invalid following a review and decision by the NRCB's board members or by a court, in which case Registration LA19005 will remain in effect.

April 9, 2024

(original signed)  
Carina Weisbach  
Approval Officer