

Decision Summary RA23021A

This document summarizes my reasons for issuing Registration RA23021A, an amended version of Registration RA23021, under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA23021A. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at 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 amendment to a registration. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On August 30, 2023 the NRCB issued Registration RA23021 to Darrin Rasmuson on behalf of Darcor Holsteins Inc (Darcor). That registration allows Darcor to construct and operate a dairy confined feeding operation (CFO) with 195 milking cows (plus dries and replacements), a dairy barn (74.4 metres x 38.1 metres), a calf barn (24.4 metres x 12.2 metres), and a synthetic lined liquid manure storage (70 metres x 42 metres x 5.5 metres deep).

The CFO is permitted to be located at NW 25-47-23 W4M in the County of Wetaskiwin, roughly 11 km north of Gwynne, Alberta. The terrain is slightly undulating with a general slope to the southwest towards Coal Lake located approximately 1.8 km from the permitted CFO.

On November 6, 2024, Darcor submitted an application to amend Registration RA23021, in order to convert the liner of the permitted synthetic lined liquid manure storage into an earthen liquid manure storage (EMS) and expand it to 60 metres x 60 metres x 4.5 metres deep. The application also includes a request to amend the construction completion deadline of the permitted calf barn to be completed by June 2027. There is no proposed increase in dairy cow numbers or manure production with this amendment application.

On January 2, 2025, I deemed the application complete.

2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are “affected” by a registration 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 ½ mile (805 m) from the CFO
- all persons who own or reside on land within the greater of ½ mile (805 m) or the minimum distance separation for the land on which the CFO is located

The land zoning on which the CFO is located would require a minimum distance separation of

346 metres. Therefore, the notification distance is ½ mile (805 m). (The NRCB refers to this distance as the “affected party radius.”)

A copy of the application was sent to the County of Wetaskiwin, which is the municipality where the permitted CFO is located. The CFO is not located within 100 m of the bank of a river, stream, or canal.

The NRCB gave notice of the application by public advertisement in the Pipestone Flyer on January 2, 2025. The full application was made available for viewing during regular business hours and was posted on the NRCB website for public viewing. Nine people were identified by the County of Wetaskiwin as owning or residing on land within the notification distance. Due to the Canada Post strike in November and December 2024, the letters were not mailed; instead, the applicant hand delivered them to the people within the notification distance. The only exception was a notification letter that the NRCB emailed to Ducks Unlimited Canada.

On January 16, 2025, Darcor submitted a letter confirming that all the notification letters were delivered.

Referral letters and a copy of the complete application were also emailed to Alberta Environment and Protected Areas (EPA), Alberta Agriculture and Irrigation (AGI), right of ways owner Apex Utilities Inc.

3. Responses from the municipality, referral agencies and other directly affected parties

The NRCB received a written response to the application notice from Ms. Amber Tripp, acting development officer with the County of Wetaskiwin. As noted in section 2, the County of Wetaskiwin is a directly affected party.

In her response, Ms. Tripp indicated that the County has no concerns with this application. The County adopted its current MDP on April 11, 2023, under Bylaw 2023/05. This is the same MDP that I considered when I issued Registration RA23021 on August 30, 2023. Darcor’s present application is consistent with that MDP for the same reasons as those provided in Appendix A of Decision Summary RA23021.

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

4. Environmental risk of facilities

In this case, the risks posed by Darcor’s permitted CFO facilities were assessed in 2023. According to that assessment, the facilities posed a low risk to surface water and groundwater.

Darcor has now applied to convert the liner of the liquid manure storage from synthetically lined to earthen and alter the dimensions of the EMS.

Due to these proposed changes, I re-assessed the risks posed by the EMS using the environmental risk screening tool (ERST). My re-assessment found that the EMS still poses a low risk to surface water and groundwater.

5. Other factors considered

The previous Application RA23021 met all relevant AOPA requirements. The proposed change to the dimensions and liner of the liquid manure storage and the new construction deadline of the calf barn, have no impact on that determination, which still stands. Additionally, the terms and conditions summarized in section 6, include the terms and conditions from Registration RA23021.

6. Terms and conditions

Rather than issuing a separate “amendment” to Registration RA23021, I am issuing a new registration (RA23021A) with the required amendment. Registration RA23021A permits the conversion and expansion of the synthetically lined liquid manure storage into an EMS and extend the construction completion date of the calf barn.

Registration RA23021A carries forward all relevant terms and conditions in the previously issued Registration RA23021, with any necessary modifications to the dimensions and liner of the liquid manure storage, and construction completion date of the calf barn.

7. Conclusion

Registration RA23021A is issued for the reasons provided above, in Decision Summaries RA23021 and RA23021A, and in Technical Documents RA23021 and RA23021A. In the case of a conflict between these documents, the latest ones will take precedence.

Registration RA23021 is therefore superseded, unless Registration RA23021A is held invalid following a review and decision by the NRCB’s board members or by a court, in which case Registration RA23021 will remain in effect.

February 19, 2025

(Original signed)

Francisco Echegaray, P.Ag.
Approval Officer