



Decision Summary LA24044A

This document summarizes my reasons for issuing Authorization LA24044A, an amendment of Authorization LA24044, under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA24044A. 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 of an authorization. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On January 13, 2025, Henk Vander Veen Dairy submitted an amendment application to the NRCB to modify the dimensions of a permitted catch basin at an existing dairy CFO. I deemed the application complete the same day.

Authorization LA24044 permitted the construction of a catch basin with the dimensions of 30 m x 45 m x 4 m deep. This application is to amend the permitted dimensions to 35 m x 30 m x 4 m deep. An application is required because the catch basin is partially outside the permitted footprint and is closer to the Piyami drain and neighboring residences than initially proposed. The catch basin still meets the setbacks to common bodies of water and the minimum distance separation requirement.

The proposed modification involves:

- Modifying the dimensions of the catch basin to 35 m x 30 m x 4m deep

a. Location

The existing CFO is located at NW 6-11-21 W4M in Lethbridge County, roughly 3 km north of the village of Shaughnessy, Alberta. The terrain is generally flat with a gentle slope towards the Piyami drain, approximately 45 m east of the CFO.

b. Existing permits

The CFO is permitted under Approval LA17071B and Authorization LA24044. These permits allow the operation of a 375 dairy cow (plus associated dries and replacements) and 500 beef feeders CFO.

2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies all parties that are “affected” by an authorization application. Section 5 of AOPA’s Part 2 Matters Regulation defines “affected parties” as:

- the municipality where the CFO is located or is to be located
- 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 municipality entitled to divert water from that body within 10 miles downstream
- any other municipality whose boundary is within a notification distance. In this case, the

notification distance is one mile (1600 m) from the CFO

A copy of the application was sent to Lethbridge County, which is the municipality where the CFO is located. No other municipality has a boundary within the notification distance.

The Piyami drain is not a river, stream, or canal, so no other municipality needs to be notified.

3. Notice to other persons or organizations

Under NRCB policy, the NRCB may also notify persons and organizations the approval officer considers appropriate. This includes sending applications to referral agencies which have a potential regulatory interest under their respective legislation.

Referral letters and a copy of the complete application were emailed to Alberta Environment and Protected Areas (EPA) and the Lethbridge North Irrigation District (LNID).

I also sent a copy of the application to Fortis Alberta, ATCO, and Lethbridge North County Potable Water Coop as they are right of way holders at this land location.

In their response, an EPA water administration technologist noted that the application does not include an increase in animals and that the catch basin location is the same. They stated that they do not have concerns regarding the application.

In their response, the LNID reiterated their response to LA24044. They stated that they do not oppose the application and confirmed that the applicant has conveyance agreements that provide sufficient water for the permitted animal numbers. They also stated that they do not permit manure storage or application on land within 30 metres of any canal or drain. The amendment application still meets the setback from the Piyami drain.

4. Municipal Development Plan (MDP) consistency

In Appendix A of Decision Summary LA24044, I determined that the proposed construction of the catch basin was consistent with the land use provisions of Lethbridge County's municipal development plan (MDP). No changes have been made to the MDP since Authorization LA24044 was issued. The proposed new dimensions of the catch basin have no effect on this determination. Therefore, the previous assessment of the application's consistency with the MDP is still valid, and additional analysis is not required.

5. AOPA requirements

With respect to the technical requirements set out in the regulations, the proposed modification:

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS)
- Meets the required AOPA setbacks from water wells, springs, and common bodies of water
- Has sufficient means to control surface runoff of manure
- Meets AOPA groundwater protection requirements for the design of protective layers of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 8, the application meets all relevant AOPA requirements.

6. Responses from municipality

Directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application and are entitled to request an NRCB Board review of the approval officer's decision.

Municipalities that are affected parties are identified by the Act as "directly affected." Lethbridge County is an affected party (and directly affected) because the proposed modification is located within its boundaries.

Ms. Hilary Janzen, manager of planning and development provided a written response on behalf of Lethbridge County. Ms. Janzen stated that the application is consistent with Lethbridge County's land use provisions of the municipal development plan.

Ms. Janzen also listed the setbacks required by Lethbridge County's land use bylaw (LUB) and noted that the application appears to meet these setbacks.

7. Environmental risk of facilities

The risks posed to groundwater and surface water by the catch basin were assessed in Authorization LA24044 using the ERST. According to that assessment, the catch basin posed a low risk to surface water and groundwater. The change in dimensions of the catch basin does not have an effect on that risk assessment as the setback to surface water and all other technical requirements is still met. As a result, a new assessment of the risks posed by the catch basin is not required. Additionally, there have been no changes related to groundwater or surface water protection, water wells, or CFO facilities since that assessment was done. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

8. Terms and conditions

Authorization LA24044A permits the modification of the catch basin.

Authorization LA24044A carries forward all relevant terms and conditions in the previously issued Authorization LA24044, with any necessary modifications to the dimensions to the catch basin.

9. Conclusion

Authorization LA24044A is issued for the reasons provided above, in Decision Summaries LA24044 and LA24044A, and in Technical Documents LA24044 and LA24044A. In the case of a conflict between these documents, the latest ones will take precedence.

Authorization LA24044 is therefore superseded, unless Authorization LA24044A is held invalid following a review and decision by the NRCB's board members or by a court, in which case Authorization LA24044A will remain in effect.

February 21, 2025



Kailee Davis
Approval Officer