

Update

Natural Resources Conservation Board

Fall
2017



Dunvegan Bridge, Peace River

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Board says goodbye to well-respected Chairman, Vern Hartwell

Vern Hartwell joined the NRCB as its chair in June 2006. His appointment expires October 31, 2017. Vern will be missed by everyone who works with him at the NRCB, and by the many people who know him in Alberta's livestock industry, government, and municipalities.

The board reorganized in 2006 to better reflect the separation of board panel reviews from the regulatory responsibilities of its operational staff. Vern brought a fresh perspective, strong leadership, and, from his many years in community and economic development in central Alberta, an understanding of the challenges of agriculture and rural economies in an increasingly urban environment.

Before joining the NRCB Vern was mayor of Strathcona County for nine years and a councilor for three years. Vern also participated in numerous other leadership and committee roles, including chairing the Alberta Capital Region Alliance, the Alberta Industrial Heartland Association, and the Strathcona



County Economic Development & Tourism Committee. Vern also filled the chair position of Alberta's Surface Rights Board and Land Compensation Board from April 1, 2011 to July 31, 2013, in addition to chairing the NRCB.

Throughout his 11 years with the NRCB, Vern emphasized the importance of public transparency and accountability.

"Working with the board members and staff of the NRCB has been a great privilege and wonderful opportunity. This is a team of really

dedicated and talented people. They put their hearts into making decisions that have integrity. They respect all the parties and want to make sure that their decisions are consistent with the legislation and based on sound scientific evidence. This is often not easy, but I can honestly say that NRCB staff do a very good job of it."

In addition to board panel reviews of approval officer and inspector decisions, Vern was responsible for six completed public interest reviews of major natural resource projects under the *Natural Resources Conservation Board Act*. The Glacier Power-Dunvegan review involved a joint panel with the Alberta Utilities Commission and Environment Canada under the *Canadian Environmental Assessment Act*.

Vern plans to continue living in Sherwood Park and remain active in community volunteering.



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Board member changes

Page Stuart and Michele Annich were recently appointed to the NRCB board (replacing Donna Tingley and Glenn Selland, whose appointments expired this past year). Page and Michele bring impressive credentials in agriculture and administrative law. The NRCB looks forward to working with them.



Page Stuart, Board Member

Page Stuart joined the NRCB in June 2017. She will be familiar to many producers through her roles as chair of the Alberta Cattle Feeders' Association; inaugural co-chair of the Alberta Agriculture Farm and Ranch Safety Coalition (AgCoalition); industry co-chair of the Alberta Farm Safety Advisory Council; and board positions on the Canadian Roundtable for Sustainable Beef; McDonald's Pilot Advisory Board; the Alberta Strategic Advisory Body to Work Safe Alberta; the Intensive Livestock Working Group; and the Alberta Environmentally Sustainable Agriculture Council.

From 2009 to 2011 Page represented the Alberta Cattle Feeders' Association

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Dust control at feedlots

Southern Alberta's hot and dry summers have been causing dust concerns for many operators and their neighbours. This year NRCB inspectors responded to several dust complaints and worked with the operators to address the nuisance.

Dust is often worst in the evenings, a combined effect of drying manure and increased livestock activity. (Manure tends to be at its driest late in the day, and livestock become more active as the day cools down.) Options for controlling dust include:

- Use a sprinkler system to water pen floors
- Use a water truck to sprinkle pen floors and/or high traffic areas such as feed alleys and access roads, etc.
- Clean feedlot pens frequently (e.g., use a box scraper to remove fine powdery soil from the pens)

Section 20 of AOPA's Standards and Administration Regulation states that the NRCB may require the owner or operator of a CFO or manure storage facility to "use a specific dust...control program at a location occupied by the operation, facility or site." If the NRCB determines that your dust control practice is inadequate, you may be required to change or upgrade the system.

Owners who have a dust control condition in their permit must comply with the condition. Contact your local NRCB office if you aren't sure if your permit has a dust control condition, to confirm what your permit requires or if you require information about dust control methods.



Information sessions for municipalities

AOPA requires approval officers to deny a permit application if it isn't consistent with the land use provisions in the local municipal development plan (MDP). The act also prohibits approval officers from considering MDP provisions that address "tests or conditions" related to the construction of or the site of a CFO, or regarding the land application of manure. However, some MDPs do include tests or conditions, or the land use provisions are unclear, or they conflict with the act. Because of these issues, the NRCB is offering to hold information sessions for municipalities to help them ensure that updates to their MDPs are consistent with AOPA and can be addressed by approval officers in the way the municipality intended.

If an approval officer denies an application on the basis of inconsistency with the MDP's land use provisions, the applicant has the right to request a board panel review. The act does not bind the board to uphold the municipality's land use provisions. If the board determines that there is an appropriate reason to grant the permit, it has discretion to overturn the approval officer's decision. In several recent review decisions, the board overturned the MDP and directed the approval officer to issue the permit.

The NRCB will contact municipalities in early 2018 to arrange for information sessions for council members and administrators.

Board member changes, continued

on the NRCB's Policy Advisory Group.

Page is a fifth-generation rural Albertan and currently lives in Vegreville. She is a Professional Agrologist, is actively engaged in 4H with her two children, and is also a participant and volunteer in the vocal and cello arts communities.



Michele Annich, Board Member

Michele Annich joined the NRCB in August 2017. Michele has 30 years of experience in aboriginal, municipal, and administrative law, both for Justice Canada and in private practice. Michele has represented Canada at the Supreme Court on aboriginal consultation matters, the nature and scope of treaty rights, and fiduciary duties. Her private practice experience included dealing with many municipal development and planning issues, including intensive livestock developments and approvals.

Michele was also a full-time hearing chair for nearly five years with the Appeals Commission for Alberta Workers' Compensation.

She has taught municipal and administrative law to municipal administrators in the Northwest Territories and Nunavut, is an active community volunteer, and is presently Chair of the Board of Directors of the Family Centre of Northern Alberta.

Michele was born in St. Paul, Alberta. She later moved to St. Albert, where she studied economics and then law at the University of Alberta. Michele now lives in Edmonton with her husband Rob.



Policy updates: meat goat CFOs, and CFOs versus seasonal feeding and bedding sites

While an unusual sight in the past, meat goat CFOs are starting to make an appearance in Alberta. (As of 2017, Alberta has eight permitted goat operations.) The management of goats reflects their unique requirements for grazing and housing. To help approval officers (and producers) know whether a meat goat operation is a CFO, the NRCB has produced Operational Guideline 2016-9: *Meat Goat CFO Determinations*. The guideline was developed in consultation with Agriculture and Forestry and Alberta goat producers, and is available on the NRCB website under Operational Policies.

The NRCB is also updating a guide developed in 2015 for distinguishing between seasonal feeding and bedding sites and beef CFOs. As a result of field use and further research and analysis, the update provides more clarity and consistency by including an additional level in the decision tree and a table of factors for assessing facilities that are adjacent to a permitted CFO.

Approval officers, inspectors, and producers can use the guide to clarify when—or what part of—an operation needs an AOPA permit. The updated guide will soon be available on the NRCB website under Operational Policies.

Staff spotlight



Carina Weisbach, Approval Officer, Lethbridge Office

Carina Weisbach joined the NRCB as an approval officer in 2008. She brought an impressive portfolio, as instructor at Lethbridge College (focusing on biology and

environmental issues), a pulse breeder at the Crop Diversification Centre in Lethbridge, and research as a post-doctoral fellow into the retention of soil fertility in slash and burn cropping practices in Venezuela and Mexico. Carina has a masters' degree from the University of Hohenheim, Germany, and a PhD from the Federal Institute of Technology in Zurich, Switzerland, where she specialized in nitrogen fixation in pulse crops.

In her spare moments, Carina enjoys spending time with her husband and children—including driving them to and from their many sports activities—as well as hiking in Waterton or Glacier national parks.

Staff changes

Randy Bjorklund, Approval Officer, retired on July 31, 2017 after 13 years of service with the NRCB. Working out of the Morinville office, Randy never hesitated to go the extra mile to help others understand the application process, and was always willing to share his knowledge. We're happy to know that Randy is now enjoying himself spending time with his family and following his passions with his new boat, fishing, and hunting.

David Smejkal, Inspector, joined the Red Deer office on July 4, 2017. David has a BSc with a major in geography from the University of Calgary. As an environmental science consultant, he has worked on many environmental risk assessments and remediation and reclamation projects, as well as groundwater monitoring programs. David enjoys the outdoors and fishing. He lives in Sylvan Lake with his wife and two young children.

Julie Wright, Approval Officer, joined the Morinville office on July 17, 2017. Julie has a BSc with a major in earth sciences and a minor in agriculture from the University of Alberta. She has worked in environmental testing, regulatory approvals, and reclamation in Alberta and other parts of Canada. Julie grew up near Bonnyville. She has strong agricultural ties and currently lives in Edmonton.

Michele Annich and **Page Stuart**, board members – please see pages 2 and 3. Page and Michele both work out of the NRCB's Edmonton office.

On the agenda: October 2017 PAG meeting

The Policy Advisory Group (PAG) will discuss minimum distance separation for category 2 and 4 country residential developments; permit thresholds for liquid manure storage facilities; land use provisions in municipal development plans; and dust control at feedlots.

Application numbers still up in 2017

The NRCB continued to see a high volume of applications in the first half of 2017, due in large part to recent quota increases for the poultry and dairy sectors. With few exceptions, most decisions were issued in fewer than 65 working days from the date the application was determined to be complete.

Part 1 applications received (January 1 – June 30, 2017)

Approvals*	50
Registrations*	20
Authorizations	36

*The approval and registration categories, combined, include a total of 11 cattle, 15 dairy, 19 poultry, and 3 swine applications to increase livestock numbers.

Average number of days to decision (January 1 – June 30, 2017)

Approvals*	54
Registrations	44
Authorizations	34

*Five decisions exceeded the performance target of 65 working days from the date the application was deemed complete.



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Copies of the *Agricultural Operation Practices Act* can be obtained from the Queen's Printer at www.gp.gov.ab.ca or through the NRCB website.

For additional copies of this publication contact the Edmonton office of the NRCB at 780-422-1977 or email info@nrcb.ca. Dial 310-0000 to be connected toll free to any NRCB office.

Calgary office
19th Floor, Centennial Place
250 - 5 Street SW
Calgary AB T2P 0R4
Tel: 403-297-8269
Fax: 403-662-3994

Edmonton office
4th Floor, Sterling Place
9940 - 106 Street
Edmonton AB T5K 2N2
Tel: 780-422-1977
Fax: 780-427-0607

Fairview office
213 Provincial Building
10209 - 109 Street, Box 159
Fairview AB T0H 1L0
Tel: 780-835-7111
Fax: 780-835-3259

Lethbridge office
Agriculture Centre
100, 5401 - 1 Avenue S
Lethbridge AB T1J 4V6
Tel: 403-381-5166
Fax: 403-381-5806

Morinville office
201 Provincial Building
10008 - 107 Street
Morinville AB T8R 1L3
Tel: 780-939-1212
Fax: 780-939-3194

Red Deer office
303 Provincial Building
4920 - 51 Street
Red Deer AB T4N 6K8
Tel: 403-340-5241
Fax: 403-340-5599

Email: info@nrcb.ca

Response line: 1-866-383-6722

Web address: www.nrcb.ca