

In the matter of a written Review by
the Natural Resources Conservation Board
under section 25 of the *Agricultural Operation Practices
Act*, RSA 2000, c A-7
of decisions by an Approval Officer set out in
Decision Summaries RA23022 and RA23022A

SUBMISSIONS OF NRCB FIELD SERVICES

On behalf of NRCB Field Services:

Fiona N. Vance
Chief Legal Officer – Operations
4th Floor Sterling Place
9940 – 106 Street
Edmonton, AB T5K 2N2
780-999-3197
Fiona.Vance@nrcb.ca

INTRODUCTION

1. This submission is provided on behalf of the Approval Officer and NRCB Field Services. In its letter dated April 8, 2025, the NRCB Board required answers to four specific questions, which are reproduced and responded to below.

Question 1

What evidence does the NRCB accept as proof that the construction condition requiring a minimum distance of 1 metre from the bottom of the catch basin to the water table at the time of construction has been met?

2. The conditions in Approval RA23022 are:

5. The co-permit holders shall immediately cease construction of catch basin 1, and contact the NRCB if the water table is observed to be one metre or less from the bottom of the liner of the catch basin.

...

9. The co-permit holders shall immediately cease construction of catch basin 2 and contact the NRCB if the water table is observed to be one metre or less from the bottom of the liner of the catch basin.

3. To meet the conditions, the co-permit holders only need to cease construction and contact the NRCB. The requirement for 1 metre between the bottom of the liner and the water table “at the time of construction” is legislated at section 9(3)(a) of the *Standards and Administration Regulation* under AOPA.

4. After construction, Approval RA23022 requires a construction completion report from a qualified third party (conditions 4 & 8). A qualified third party confirming the depth to water table in that report is acceptable.

Question 2

Is there a requirement for this Operator to install geotextile, or to do any other mitigative measures, to ensure that a potential rise in the water table does not negatively impact the integrity and function of the catch basins? Please explain why or why not.

5. Neither Approval RA23022 nor Approval RA23022A require geotextile or any other mitigative measures.

6. AOPA requires a liner that meets section 9 of the *Standards and Administration Regulation*. On occasion, the integrity and function of a catch basin may be the subject of compliance or enforcement action by an NRCB inspector.

7. A geotextile does not add protection in relation to the water table, or to leaking from the catch basin. A geotextile protects the liner itself. Sometimes if there is, for example, a rocky subsurface or lots of gravel, an approval officer may require something like a geotextile.

8. It may be worth noting that, in Technical Document RA23022, the Envirowest engineering report (March 21, 2024) found that the pen area has a naturally occurring protective layer (part 3.1 pdf p 68/97). The report later concludes that the “native soils in the area of the proposed catch basins were found to provide sufficient protection for use as a natural barrier however, it is not found to be feasible to construct a catch basin using a natural barrier.” (TD RA23022 p 69/97) The report concluded that the catch basin requires a liner for practical purposes since, to use a protective layer, catch basin volume depth could be only 0.7m.

Question 3

Have NRCB personnel inspected the site since the Operator informed the approval officer on September 10, 2024, about preliminary trenching work that discovered a higher than expected water table? Please include inspection dates, findings, and provide the Board with evidence including (as applicable) any compliance measures taken, and confirmation of construction in accordance with the terms and conditions of the permit.

9. Since September 10, 2024, the approval officer has visited the site once, on January 29, 2025. This was a visit, not a formal site inspection.

10. On January 29, 2025, the approval officer met with the operator on site a couple of days prior to issuing Approval Amendment RA23022A. She observed the site under construction. About half the pens were built with no cattle in the pens.

11. The NRCB inspector on the file has not been out to this site at all yet.

12. The NRCB has not done a post-construction inspection on any parts of the permitted operation, and the operator has not requested a post-construction inspection.

Question 4

Please comment on the assertion that the feedlot is built and has been populated with cattle.

13. See the response to Question 3, above. The operator has provided some information, in their April 9, 2025 covering e-mail to the submission dated March 11, 2025.

RESPECTFULLY SUBMITTED THIS 22nd DAY OF APRIL, 2025

Fiona N. Vance

Chief Legal Officer – Operations

Natural Resources Conservation Board