

#3 - REQUEST FOR REVIEW: RA21043 / Double T Cattle Co. Ltd.

Filed By: **Donald and Monica Brennan**

Deadline for RFRs: June 8, 2022

Date RFR received: June 7, 2022

Status of party as per Decision Summary: Directly Affected Party

REQUEST FOR BOARD REVIEW
SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD

Application No:	RA21043
Name of Operator/Operation:	Double T Cattle Co. Ltd.
Type of application (<i>check one</i>):	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (<i>legal land description</i>):	NE 15-42-25 W4M
Municipality:	Ponoka County

I hereby request a Board Review of the Approval Officer’s Decision and have the right to request a Board review because (*please review all options and check one*):

- I am the producer seeking the approval/registration/authorization.
- I represent the producer seeking the approval/registration/authorization.
- I represent the municipal government.
- I am listed as a directly affected party in the Approval Officer’s Decision.
- I am not listed as a directly affected party in the Approval Officer’s Decision and would like the Board to review my status.

IMPORTANT INSTRUCTIONS

1. You must meet the specified 10-day timeline; otherwise your request will not be considered.
2. Section 1 of this form must be completed only if you are requesting that the Board review your status as “not directly affected”. Sections 2 to 5 must be completed by all applicants.
3. This form must be signed and dated before it is submitted to the Board for its review.
4. Be aware that Requests for Board Review are considered public documents. Your submitted request will be provided to all directly affected parties and will also be made available to members of the public upon request.
5. For more assistance, please call Laura Friend, Manager, Board Reviews at 403-297-8269.

1. PARTY STATUS

(IF YOU ARE NAMED A DIRECTLY AFFECTED PARTY IN THE APPROVAL OFFICER'S DECISION, YOU DO NOT NEED TO COMPLETE THIS SECTION)

Party status (“*directly affected*” or “*not directly affected*”) is determined pursuant to the provisions of the *Agricultural Operation Practices Act* (AOPA) and its regulations. Upon receipt of an application, the Approval Officer must notify any affected parties. Affected parties include municipalities and owners or occupants of land as determined in accordance with the regulations. To obtain directly affected status, the owner or occupant notified in the above process must provide a written submission to the Approval Officer during the stage at which the Approval Officer considers the application. The Approval Officer will then determine who the directly affected parties are and include this determination in the Decision Summary.

Under its governing legislation, the Board can only consider requests for review submitted by directly affected parties. If you are not listed as directly affected in the Approval Officer’s decision, you must request that the Board reconsider your status (*please note that under the provisions of AOPA, the Board cannot reconsider the status of a party who has not previously made a submission to the Approval Officer during the application process*).

In order to request your status be reconsidered, you must explain why your interests are directly affected by the decision of the Board. Please list these reasons below:

My grounds for requesting directly affected status are as follows:

2. GROUNDS FOR REQUESTING A REVIEW

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to approve an application, NRCB Approval Officers must ensure the requirements of AOPA have been met. Your grounds for requesting a Board review should identify any requirements or specific issues that you believe the Approval Officer failed to adequately address in the Decision.

My grounds for requesting a review of the Approval Officer's decision are as follows:

1. Air quality
2. Water
3. Soil analysis
4. Transference
5. Animal disposal

3. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

In order to support your reasons for requesting a review, please explain how you believe you would be affected by the Approval Officer's decision.

I believe that, as a result of the Approval Officer's decision, the following prejudice or damage will result:

We believe that as cattle will be coming from various auction markets in Alberta owned by the applicants family, that has the potential to affect our cattle and horses as runoff flows directly to our property. These past few years have been dry with lower snowfall and rain. The spring runoff this year was considerably less than in previous years. We believe the land has been fractured in areas a previous owner buried large amounts of rocks and installed weeping tile which has been removed. If our wells are affected what recourse do we have and how long will a solution take?

The manure allocation question was not satisfactorily addressed.

We are also concerned about our air quality. Without proper air quality data in the area one cannot assume no adverse affects living so close to a large CFO when most all of the trees have been cut down by previous and present owners of this property. Trees reduce temperatures and mitigate the heat island effect through evapotranspiration;they sequeater the emission of greenhouse gasses by removing carbon dioxide and air pollutants and improve the land's capacity to adapt to climate change. Also the dust and particulate generated by this CFO will directly affect us. Our son rents some of our property so this will have a lasting effect on our family. Did the screening tools take into consideration other CFO's in the area?

We hang our laundry on a clothes line as a small contribution to conserve energy which will end because of the odor.

Wildlife track through the area and vehicles going to and from this operation will transfer any pathogens onto our roads.

Land values will also be affected for the surrounding area.

Animal disposal is also a concern as feedlots have animal deaths.

An lastly, we have a difficult time reporting infractions. This makes for poor neighbor relationships. Reporting a concern to the NRCB is not dealt with in a timely manner. We have personally experienced this. We are not employed to monitor and report infractions.

Thank you

Don, Monica, Michael, Christopher Brennan and Nicole Lisson

4. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

I would like the Board to take the following actions with the respect to the Approval Officer's decision:

Amend or vary the decision

Reverse the decision

Please describe why you believe the Board should take this action:

As mentioned in Page 3 of this document.

If the Board decides to grant a review (*in the form of either a hearing or a written review*), all directly affected parties are eligible to participate. The Board may consider amending the Approval, Registration, or Authorization on any terms and conditions it deems appropriate.

Please note the Board cannot make any amendments unless it first decides to grant a review.

If a review is granted by the Board, are there any new conditions, or amendments to existing conditions, that you would like the Board to consider? It is helpful if you identify how you believe your suggested conditions or amendments would address your concerns.

If a review is granted we will contact you with any new conditions, or amendments to existing conditions for the board to consider. This time sensitive reply has been very stressful due to unforeseen occurrences so we will need time to gather information.

5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

Contact information of the person requesting the review:

Name: Donald and Monica Brennan

Address in Alberta:

Legal Land Description:

Phone Number:

Fax Number: N/A

E-Mail Address:

Signature: _____

Optional

Date: _____

June 7, 2022

Required

If you do not meet the timeline identified, your request will not be considered.

If you are, or will be, represented by another party, please provide their contact information (Note: If you are represented by legal counsel, correspondence from the Board will be directed to your counsel)

Name:

Address:

Phone Number:

Fax Number:

E-Mail Address:

When you have completed your request, please send it, with any supporting documents to:

Laura Friend, Manager, Board Reviews
Natural Resources Conservation Board
John J. Bowlen Building
#901, 620 - 7 Avenue SW
Calgary, AB T2P 0Y8

Phone: 403-297-8269

Email: laura.friend@nrcb.ca

Please note, Requests for Board Review are considered public documents. Your submitted request will be provided to all directly affected parties and will also be made available to members of the public upon request.

