

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

**Filed By:**

**Doug Astles**

**Deadline for RFRs:**

**June 8, 2022**

**Date RFR received:**

**June 7, 2022**

**Status of party as per Decision Summary:**

**NOT Directly Affected Party**

**REQUEST FOR BOARD REVIEW**  
**SUBMITTED TO THE NATURAL RESOURCES CONSERVATION BOARD**

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

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## 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)

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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:**

Our grounds for requesting a review of the Approval Officer’s decision are as based on the clear disregard and negligence of the approving officer that directly effect the health, safety and environment for the surround residents.

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## 2. GROUNDS FOR REQUESTING A REVIEW

(ALL PARTIES MUST COMPLETE THIS SECTION)

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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:**

We recently purchased 20 acres and built our family home adjacent to the Double T Cattle Co application and family had first right of refusal on the land purchased and recently built our family home on (completed 1 month ago). We are a young family with 2 children and are excited for our future on this property with the room to for our family and our pets/animals to grow.

At no point was it outlined that there was a pending or applied application from Double T Cattle Co. for the transition from swine to beef feedlot. These details would have directly impacted our decisions to purchase the property and plans to build out future. The approving offering did not consider the timing and notification of the application as a directly affected new landowner in the area.

The approving officer not only disregarded the directly affected landowners health and safety but also did not provide reasonable time for my family as new land owners to review the provided information.

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### 3. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

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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:**

Applicant failed to detail that the swine operation was terminated previous to the application which outlines the change from swine to beef feedlot. (CFO)

What data and records were reviewed and considered when applied to change from non-operating permitted swine barn to beef feed lot using pre-existing facilities?

At what point did the approving officer know that there was no longer a swine operation as outlined in the details?

What are the NRCB standards from the previously approved swine to the 2022 regulations and guidelines for beef feedlot?

As outlined on all maps and google earth images, the section shows to have a permanent water course running through it. This I confirm as a landowner in the NW-14-42-25-4. We worked endlessly to ensure the protection of our property and safety of our environment for our children and our animals.

To our understanding there has been previous county applications and government regulated applications for other industries ie. Landfill in the area that were declined due to the high-water table and impacts to the natural aquifer. What consideration did the approving officer take when reviewing all past and previous declined applications?

Please provide detailed contingency plan for the protection of the freshwater ephemeral draw/water course that runs on the north property line of the applicant.

Applicant removed and clear cut all nature drainage protection and erosion control when the natural wooded area was clear cut and removed. (as outlined on all maps and google earth images) Directly north of the proposed barns/previously standing swine barns.

Infrastructure and newly constructed areas in some counties require the evaluation of a A '1-in-100-year flood' refers to a flood height that has a long-term likelihood of occurring once in every 100 years (also called a 100 year recurrence interval). Thinking about flood probabilities can help you decide whether or not to take action. Can the NRCB provide further information on there evaluation for the 1-in-100 year flood? The applicant's approved permit is in direct contact with a outlined ephemeral/classified water way. This ephemeral draw has direct contact with the Battle River and other tributary waterways in the area that will directly affect the downstream waterways and residents of Ponoka & Laocmbe County. (feedlot and flood run off management plan) Example 2005/2008 Southern Alberta floods that directly impacted the direct land owners of feedlots.

What is the lagoon and storage capacity safety factor in the event of inadvertent flooding or water due to the topography and geology of the area?

Can you please provide the geological studies and reports of the soils and ground water conditions in the said area of the application? What supporting documents are provided that show there is no direct impact to the fresh water source for the applicant and surround area?

Conflict of interest for the outlined 3rd party construction contractor (Eagle Builders) and landowner. What investigation and contractor guidelines have been reviewed and are they available to be provided to the directly effected families and landowners for review. (Other then the posted construction plans with the application)

What is the lagoon and storage capacity safety factor in the event of inadvertent flooding or water due to the topography and geology of the area?

Can you please provide the geological studies and reports of the soils and ground water conditions in the said area of the application? What supporting documents are provided that show there is no direct impact to the fresh water source for the applicant and surround area?

Conflict of interest for the outlined 3rd party construction contractor (Eagle Builders) and landowner. What investigation and contractor guidelines have been reviewed and are they available to be provided to the

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## 4. CONTACT INFORMATION

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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:**

The outlined applicant and associated family/businesses have options to expand at an existing and already approved beef feed lot (CFO) within Ponoka County that is under there care and attention. Further review and consideration should be applied to that area to protect the future of environment, families, animals in the directly affected area of Double T Cattle Co.

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.

In closing, I want to outline that myself and my family are pro-agriculture and cattle industry. But further investigation needs to be completed for the long term environmental and health impacts of the area, including the health and safety of my family, families in the area as well as livestock and animals. This Includes but not limited too, all downstream residents and farms of the natural ephemeral draw and tributaries that run through the applicant's property. Further investigation needs to be completed on the history of the Swine barn as well as the topography and tributary water ways of the area. In my opinion, applications should only be approved with supporting documents that show pretesting and protection of the environment and directly affected landowners/families with a schedule and outline of build inspections and the qualifications of inspector and guidelines of the build prior to approval. Our hope is that the NRCB takes into consideration the long-term affects this may have on our health and safety of our children, the environment as well as our animals and protection/financial impacts of our property. The direct impacts of the approval without supporting information and protection of the environment and health and safety of the residents in the area will directly affect the quality of living for myself, my young family, and all surrounding families.

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## 5. CONTACT INFORMATION

(ALL PARTIES MUST COMPLETE THIS SECTION)

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### Contact information of the person requesting the review:

Name: Doug Astles

Address in Alberta:

Legal Land Description:

Phone Number:

Fax Number:

E-Mail Address:

Signature: \_\_\_\_\_

*Optional*

Date: \_\_\_\_\_

*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](mailto:laura.friend@nrcb.ca)

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